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ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

APRIL 1666—*JUNE* 1676

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE
Editor



BALTIMORE
MARYLAND HISTORICAL SOCIETY
1884

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BALTIMORE, MD.

CHAPTER 138.

AN ACT to provide for the preservation, arrangement, publication and sale of Ancient Documents pertaining to Maryland.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the Commissioner of the Land Office be and he is hereby authorized and directed to deliver at Annapolis, to the Maryland Historical Society or to its agent, all the records, archives and ancient documents of the province and State of Maryland of any date prior to the acknowledgment of the independence of the United States by Great Britain, and to keep a list thereof; and that any and all public officers in whose possession any of such records, archives and documents aforesaid may be, are hereby authorized and directed to deliver the same to the said Maryland Historical Society as aforesaid, and to keep a list thereof; and that the said Maryland Historical Society is hereby declared to be the custodian of such records, archives and documents, the State of Maryland remaining the owner thereof; provided that the said Maryland Historical Society shall be understood, by the receiving and giving receipt for records, archives and documents aforesaid, to agree that such records, archives and documents shall be safely kept, properly arranged and catalogued, and that such of them as are of historical importance shall be edited and published under the supervision of said society; and provided that said records shall at all times be accessible to the inspection of any citizen of this State free of all charges and fees.

Deliver ancient documents.

Custodian of records.

SEC. 2. *And be it enacted*, For the purpose of properly arranging, editing and publishing the aforesaid documents as hereinbefore provided, as well as other documents pertaining to the history of Maryland, the sum of two thousand dollars is hereby appropriated and shall be paid to the said Maryland Historical Society out of any funds in the treasury not otherwise appropriated, as follows: One thousand dollars thereof upon demand at any time after the aforesaid records, archives and documents shall have been removed and placed in the

Appropriation, to whom paid.

custody of said society, and the remaining one thousand dollars thereof shall be paid upon demand at any time after the first day of January, eighteen hundred and eighty-three; and provided that all publications made as aforesaid under this act shall belong to the State, but may be sold at cost price by the said Maryland Historical Society, and the proceeds shall be added to the publication fund established by the appropriation herein made; and further provided, that any or all of said papers may be recalled, and shall be returned to the State on its demand therefor.

Papers may be recalled.

SEC. 3. *And be it enacted*, That it shall be the duty of the said Maryland Historical Society to make report to the next General Assembly of the progress of the work herein provided for, and also of all receipts and disbursements made under this act.

Make report of progress.

SEC. 4. *And be it enacted*, That this act shall take effect from the date of its passage.

Effective.

Approved March 30, 1882.

LAWS OF MARYLAND, JANUARY SESSION, 1884.

CHAPTER 429.

AN ACT to provide for the publication of the Archives of Maryland.

Whereas the Maryland Historical Society, acting under authority of the act of assembly of eighteen hundred and eighty-two, chapter one hundred and thirty-eight, has provided a fire-proof vault for the safe-keeping of the archives and ancient documents pertaining to the history of the State, and has published the first volume of the archives of Maryland; and whereas it is proper that the publication of said archives be continued, with reasonable diligence and care, under the direction of said society; therefore

Preamble.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the sum of two thousand dollars for each year, for the period of two years from this date, be and the same is hereby appropriated, and shall be paid to the said Maryland Historical Society out of any funds in the treasury not otherwise appropriated, which sum shall be paid—one thousand dollars on the first days of June and December of the years eighteen hundred and eighty-four to eighteen hundred and eighty-five, both inclusive.

Appropriation.

SEC. 2. *And be it enacted*, The archives of Maryland, published by the said society, with the funds herein provided, shall be subject to the provisions of the act of eighteen hundred and eighty-two, chapter one hundred and thirty-eight, and the society shall make to each general assembly the report thereby required; provided that the said Maryland Historical Society is hereby authorized to have enough copies of each volume printed to supply the members of the society and its exchanges by paying therefor the actual cost of paper, press work and binding the same; and provided further that ten copies of each volume of the archives published by said Maryland Historical Society shall be bound in cloth and deposited in the State Library for the use thereof. Subject to provision. Proviso.

SEC. 3. *And be it enacted*, That this act shall take effect from its passage. Effective.

Approved April 8, 1884.

ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *October* 13, 1884.

To the Maryland Historical Society:

GENTLEMEN:

The Committee on the State Archives take pleasure in submitting herewith the second volume of the Archives, embracing the Assembly Proceedings and Laws from 1666 to 1676.

Since the publication of the Calendar in the former report the committee have secured several important additions to the Archives. From Spencer C. Jones, Esq., Clerk of the Court of Appeals of Maryland, they have received a volume of Laws known as Liber W. H. 1640–1688. This book, which is fully described on a subsequent page of this report, supplies the Laws passed at the Sessions of 1678, 1681, 1682, 1683, 1684, 1686, and 1688, which are not elsewhere obtainable, as far as is now known, the journals and Bacon's Laws giving the titles only. The Laws in the volume earlier than 1678, they had obtained from other sources.

Mr. W. Noel Sainsbury has continued to send us transcripts of papers from the Public Record Office and from the Journals of the House of Lords. He has likewise brought to our notice a Council book in the Record Office covering the dates from April, 1680 to April, 1689, thus partly supplying the large gap from 1674 to 1692 in that department of our Archives. He describes the volume, now known as Colonial Entry Book No. 54, though its original liber letter was B, on the last leaf of which is the following entry:

> Sept. 8th 1686 Recd of the Honble Col. Wm Digges these records belonging to the Council as follow vizt
>
> H. H. Counsell Booke Anno 1656
> H. Counsell Booke Anno 1669/70
> R R & R R R Counsell Booke 1671 & 1683
> C. B. Counsell Booke Anno 1679
> A Counsell Booke Anno. 1677
> C B Counsell Booke Anno. 1683
> B State Counsell Booke (viz: this Booke) Anno 1686.
>
> The above as aforesaid received
>
> p Jam: Heath Cl Consil

Two of the above books are still in existence. H. H. 1656–1669 has been in the custody of this Society since 1847, and is described on p. xx of the Calendar. The last book on the list, B, is the one to which Mr.

Sainsbury calls our attention and your Committee have ordered it to be transcribed. The remaining five books are not known to be in existence, though your Committee do not give up the hope of their discovery.

Mr. Sainsbury has interested in our work Mr. E. Maunde Thompson, Keeper of the MSS. in the British Museum, who has had thorough search made in that repository to discover if possible the "two considerable chests marked Calvert Papers," which Dr. John Henry Alexander saw there in 1839—but the search has proved fruitless.

As with the former volume, every care has been taken to secure minute accuracy. The copyists, Miss Harrison and Miss Morris, have become familiar with the old contracted court hand, and their transcripts even from MSS. that are almost illegible from age and stains have been surprisingly accurate.

The Committee desire to record their high appreciation of the service rendered by D^r^ Wm. Hand Browne, whose scholarly tastes and acquirements have contributed in a large degree to the approval with which these volumes have been received.

The printing establishment of I. Friedenwald continues to keep up the high character of work done on the first volume, and in every respect their contract has been performed to the entire satisfaction of the Committee.

The hearty commendation given the first volume by scholars and the press, both at home and abroad, has been exceedingly gratifying to the Committee, the Editor and those engaged in its preparation, and the liberal appropriation by the last Assembly shows that that Body recognizes the value of the work done by the Society in making the Archives of the State accessible to all.

JOHN W. M. LEE,
BRADLEY T. JOHNSON,
HENRY STOCKBRIDGE,
Committee.

The above Report having been laid before the Society at its regular meeting on October 13th, 1884, was on motion accepted, approved and ordered to be printed.

JOHN H. B. LATROBE,
President.

MENDES COHEN,
Corresponding Secretary.

CALENDAR OF MARYLAND ARCHIVES.

ADDITIONS AND CORRECTIONS.

COUNCIL BOOKS.

LIBER B.

April, 1686–April, 1689.

COPY.

Original in Public Record Office, London,—it is described by Mr. W. N. Sainsbury as Colonial Entry Book, Nº 54, containing 237 written pages and about as many more blank pages.

UPPER HOUSE JOURNAL.

On p. xxxviii of the Calendar. L. H. Journal, 1676–1702. Session, May, 15, 1676–June, 15, 1676, is found upon closer examination and comparison to be a duplicate of Original U. H. Journal, noted on p. xxix of Calendar. So there are three copies.

LOWER HOUSE JOURNAL.

On p. xxxvii of Calendar. L. H. Journal, 1666–1702.

April 27, 1682–November 16, 1682. Should have been separated so as to read: April 27–28, 1682. folio, paged 7–10. pp. 1–6, and all after p. 10, missing.

October 31–November 16, 1682. folio, paged, 11–40. pp. 1–10 and all after p. 40, missing.

LAWS.

LIBER P. R. O.

1637/8–1676.

A transcript of all the Acts found in the Public Record Office, London, and not in the State's collection. Small folio, pp. half bound in morocco.

LIBER W. H.

1640–1688.

Original.

Small folio bound in sheep, in good order throughout. A collation of the volume is given below. Down to p. 158 the volume is a record of all laws in force after the session of 1676, though they are not given in

chronological sequence. From p. 160 to 313, the laws are those passed at each session from 1678 to 1688, nor are these in chronological order.

The first entry is the following: "To our Sherrife of Anne Arrundell County" and with each session beginning with 1681 (p. 160) the same form is used. As the chancellor was directed to transmit to every county court at the end of each session of Assembly the laws and proceedings, this volume was doubtless made for the Anne Arundel County Court.

The writing of the volume is in eight different hands.

The volume contains.

References to Acts,	1 p. reverse blank.
Index,	4 pp.
Blank,	2 pp.
Chronological List of Laws,	2 pp.
Blank,	6 pp.

Acts of 1640, Oct., 3 Acts, pp. 108, 109, 111.

Acts of 1649, April, 4 Acts, pp. 62, 63, 146, 147, 148.

*Acts of 1650, April, 13 Acts, pp. 67, 111, 112, 113, 114, 115, 116, 117, 118, 123, 124, 125, 126, 145, 146, 148, 150, 151, 158.

†Acts of 1658, April, 5 Acts, pp. 14, 154, 155, 156.

Acts of 1661, April, 6 Acts, pp. 14, 15, 16, 17, 68, 69, 70, 152, 153, 154.

Acts of 1662, April, 4 Acts, pp. 70, 154, 157.

Acts of 1663, Sept., 2 Acts, pp. 70, 71, 72.

Acts of 1666, April, 7 Acts, pp. 73, 143, 144, 145, 157, 158.

Acts of 1669, April, 8 Acts, pp. 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 126, 127, 128, 129, 130.

Acts of 1670/1, March, 9 Acts, pp. 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 130, 131, 132, 133, 134, 135, 136, 137.

Acts of 1671, Oct., 6 Acts, pp. 97, 98, 99, 100, 101, 102, 137, 138, 139, 140, 141, 142, 143.

Acts of 1674, May, 15 Acts, pp. 63, 64, 65, 66, 67, 102, 103, 104, 105, 106, 107, 108, 109, 110, 117, 118, 119, 120, 121, 122, 123.

Acts of 1674/5, Feb., 1 Act, p. 110.

Acts of 1676, May, 17 Acts, pp. 1 to 62.

Page 159 begins with writ to Sheriff to publish the acts of 1678, the rest of the page is blank. The Acts of 1681 commence with p. 160.

Acts of 1678, April, 15 Acts, 3 Petitions (by title only), pp. 203–238.

Acts of 1681, Aug., 8 Acts, 2 Private Acts (by title only), pp. 160–185.

Acts of 1681, Oct., 6 Acts, 1 Private Act, (by title only), pp. 185–195.

Acts of 1682, April, 8 Acts, 3 Private Acts (by title only), pp. 239–247.

Acts of 1682, Oct., 2 Acts, 2 Private Acts (by title only), pp. 195–203.

Acts of 1683, Oct., 3 Acts, pp. 247–258.

Acts of 1684, April, 6 Acts, 3 Private Acts (by title only), pp. 258–275.

Acts of 1686, Oct., 4 Acts, 2 Private Acts (by title only), pp. 275–294.

Acts of 1688, Nov., 11 Acts, pp. 295–313.

* Three of these Acts are noted as April, 1662.

† Two of these Acts are noted as April, 1662.

PREFACE.

This volume continues the Acts and Proceedings of the Assembly from the point at which the preceding volume closed. It was at first our intention to take up the earliest Council Proceedings; but as much of this copy was nearly ready for the press, we determined to print it first, and follow with the Council. By the plan adopted, of distinguishing the volumes by titles and dates only, dispensing with numbers, they can be arranged either in chronological order, or each series to itself.

As before, the utmost care has been taken to secure a faithful text. The copyists have been most painstaking in their minute accuracy, and the copy has been collated, word by word with the original, before going to press. In this collation, the use of a lens was often necessary when the text was almost illegible from stains or fading of the ink.

We have been able to supply the text of many laws missing from the Archives, by copies obtained from the Public Record Office, London; and these are distinguished, as before, with the letters P. R. O.

From the fact that the letter of Lord Baltimore dated February, $166\frac{5}{6}$, dissenting to the laws of 1665, was not read until the Session of 1669, we may safely infer that there was no Session of the Assembly between 1666 and 1669. There is also no break between 1671 and 1674, as the Session was postponed by repeated prorogations, so that this volume contains an unbroken record of the Sessions from 1666 to 1676.

The original Lower House Journals of 1666 and $167\frac{4}{5}$ have been frightfully ravaged by damp and worms, as the breaks show, which, however, give no idea of the size of the gaps. Some part of the text may be completed from the Upper House Journals; but as most of it is found in no other copy, it has been thought best to print it as it stands. Happily, but few of our records are in so desperate a state.

When words or parts of words are inserted in brackets (as in U. H. J. 1674) they are missing or illegible in the original, and supplied from a later copy.

It is hardly necessary to explain that the character ꝑ is a contraction for the syllable *per*, *pre*, or *pro;* thus ꝑson = "person"; ꝑpty = "property."

The proclamation with which the volume opens properly belongs to the preceding volume, but was not discovered until that was printed. The two leaves should be inserted after p. 506 of the former volume.

The editor has again to acknowledge his indebtedness to the constant and unwearying assistance of Mr. J. W. M. Lee.

NOTE.

Among the innumerable errors and peculiarities of the text, which we have faithfully reproduced, the following seem to require some note.

Page 44, line 28. to be exported. *Sic*, for "expected."

Page 59, line 10 from bottom. radicione should be "redditione."

Page 121, line 3 from bottom. by for "be."

Page 124, line 20 from bottom. Lyme water, *i. e.* lime-juice for making "th^{t} w^{ch} hee calls Liminade" (p. 127). This would seem to mark the first introduction of lemonade into Maryland.

Page 138, line 10 from bottom. Instant for "intent."

Page 142, line 17. 12^{s} per pole should be 12^{d}.

Page 143, line 3. ground leases should be "ground leaves." The same error occurs on p. 150.

Page 143, line 14. Exemcōns for "executions."

Page 144, line 17 from bottom. Parks should be "Jarbo."

Page 145, line 13 from bottom. many wise for "in any wise."

Page 146, line 12. Supply "if" before "within."

Page 178, line 10 from bottom. The 2 in margin is so in original.

Page 268, line 20 from bottom. Lyme is lime-juice.

Page 264, line 19, and 287, line 13. Peruleros and Perulvies represent some foreign coin. Mr. Sainsbury assures us that they are so written in the original, but can give no explanation.

Page 276, line 12 from bottom. Insert "who" before "have."

Page 297, line 7 from bottom. meat drink. Probably an error of P. R. O. copyist for "mixt drink."

Page 318, line 25–30. The topography here is unintelligible. Either a line is wanting in the original, or else Baltimore should be "Talbot."

Page 328, 6^{thly}. It is refreshing to find a genuine bull in these venerable documents.

Page 330, line 12 from bottom.
Page 332, line 11 from top. } The original copyist has omitted a line in both these petitions. See petition of Dhyniossa, p. 282.

Page 341. 33 p. pole should be 23. The additions here and elsewhere are wrong in P. R. O. copy.

Page 352, line 21. Serv^{t} adjudgeth should probably be "court adjudgeth."

Page 352, line 3 from bottom. be not Obliged should read "be obliged."

Page 356, line 11. Wenlock Chriterson, *sic* in original.

Pages 371, 372. pp. 26–28 U. H. J. are blank in original.

Page 391, line 12 from bottom. feas for "fear."
Page 411, line 17 from bottom. minds should be "times."
Page 412, line 21 from bottom. Wage for "gauge."
Page 463, line 16. Expeditiously and done. P. R. O. copy has "prosecuted" lined out, and "expeditiously" written above. Perhaps there should have been a caret before "prosecuted."
Page 466, line 13 from bottom. The repetition is in P. R. O. copy.
Page 497, line 21. speedy Lower. "Speedy" should come before "answer."
Page 500, line 13. Nations this, for "Nations and this."
Page 503. Calculations wrong in original. 30^{l} Tob. should be 20^{l}, and 942 should be 912.
Page 531, line 13 from bottom. Mortiname for "mortmain."
Page 537, line 18 from bottom. debts for are. *Sic* in original.

PROCLAMATION AND SUMMONS

CONCERNING AN ASSEMBLY

To be held September 13, 1664, *at St. Mary's.*

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

By the Leuitenn[t] Generall

Lib. H H p. 211

Whereas I am informed that some mistake is risen among many concerning the meeting of the Assembly in Septemb[r] and that whereas the Assembly was adjourn'd by mee untill the second twesday of Septemb[r] 1664 which is the 13[th] day of that month many doe conceiue it to bee the first twesday thereof I haue thought fitt hereby to giue notice to the Burgesses of the Assembly, and all others whome it may Concerne that it is the second Twesday of Septemb[r] that the Assembly was adjourn'd to, and that then they are to meet And I doe hereby further require all Sherriffs of each respectiue County to giue speedy notice hereof to theire respectiue Burgesses, and hereof not to faile as they will answere the Contrary att theire perill Giuen att s[t] Marys und[r] my hand this 16[th] of August 1664—

Signed Charles Caluert,

1664 Septemb[r] 5[th] p. 212

Then Summons issued for Collonell William Euans Councello[r] to sett apart all Excuses and Delayes whatsoeuer and repayre in person to the next Assembly to bee held att s[t] Marys on the 13[th] day of this p[r]sent instant, there to aduice and Consult as one of the upper howse touching the important affayres of this Prouince dated Vt Supra—

Signed Charles Caluert

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a session held at St. Mary's, April 10 *to May* 3, 1666.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Cæcilius &c: To the Sherriffe of s^{t} Marys County Greeting, Lib. H H p. 243 whereas by the Aduice and Consent of Our Councell, Wee haue determined to hold an Assembly of the ffreemen of Our Prouince att s^{t} Marys, upon the Eighth day of January next ensueing, there to Consider of Certaine thinges concerning the State and wellfare of this Our Prouince of Maryland, Wee Comānd yo^{w} John Lawson Sherriffe of s^{t} Marys County, that makinge Proclamacōn as soon as conueniently may be after Receipt of this writt, att the discrecōn of the ffreemen of yo^{r} County, Yo^{w} cause One, Two, Three or ffowre discreete Burgesses to be Elected, to serue in the said Assembly, These to doe and Consent to such thinges as by Comōn Consent shall happen to be Ordeined and Enacted in the businesses aforesaid, soe that through want of sufficient power & inconsiderate Election of the aforesaid Burgesses, the businesses aforesaid may not remaine undone or neglected And make yo^{r} returne of this writt into the secretarys Office by the second day of January next Giuen att s^{t} marys the Eighth and twentyth day of Octob^{r} in the ffoure and thiretyth yeare of Our Dominion Ouer the said Prouince Annoq Domini One thowsand Six hundred Sixty ffiue—

Charles Caluert

The like writt issued to Henry Adams p. 244
Sherriffe of Charles County
The like writt issued to Charles Brooke
Sherriffe of Caluert County
The like writt issued to Richard Ewen
Sherriffe of Ann Arrundell County
The like writt issued to John Vicoris
Sherriffe of Kent County
The like writt issued to Thomas Vaughan
Sherriffe of Talbott County
The like writt issued to John Collett
Sherriffe of Baltemore County

Cæcilius &c To Our deare freinde & Councello^{r} Edward Lloyd Esq^{r} Greeting in Our Lord God Euerlasting Wee haue appointed to hold a Generall Assembly of the ffreemen of Our Prouince att S^{t} Marys on the Eighth day of January next ensueing, Wee doe therefore hereby will and require yo^{w} that

Lib. H H all Excuses and delayes Sett a part, yo^{w} repaire in p^{r}son to the said Assembly att the time & place p^{r}fixed, there to aduice and Consult wth us touching the important Affaires of Our prouince, Giuen att S^{t} Marys und^{r} the greate Seale of Our Said Prouince of Maryland, the twenty Eighth day of October in the ffoure and thiretyth yeare of Our Dominion Ouer the said Prouince Annoq Domini One thowsand Six hundred Sixty ffiue, Wittnes Our deare sonn and heire Charles Caluert Esq^{r} Our Leiutenn^{t} Generall of Our saide Prouince of Maryland

Charles Caluert

p. 245 The like writt to Philip Caluert Esq^{r} Chancello^{r} &c.
The like writt to Henry Cowrsey Esq^{r}
The like writt to Baker Brooke Esq^{r}
The like writt to Coll: William Euans
The like writt to Thomas Truman Esq^{r}

p. 248 John Lawson Sherriffe of S^{t} Marys County returnes his writt directed to him dated the Eight & twentyth of October one thousand six hundred sixty five, Endorsed Thus.

Elected by the ffreemen of S^{t} Marys County the Thirtyeth of November 1665

William Calvert Esq^{r}, M^{r} Nicholas Young M^{r} Robert Sly M^{r} Thomas Nottley John Lawson Sherriff

Charles Brooke Sherriff of Calvert County returnes his writt directed to him dated the 28th of Octob^{r} 1665. Endorsed thus

M^{r} Richard Preston Major Thomas Brooke M^{r} Richard Smith & M^{r} Rich^{d} Hall were Elected for Burges of Calvert County the Twelfth day of December 1665

Charles Brooke Sherriff

John Vicaris Sherriff of Kent County returne his writt directed to him dated the 23th of October 1665 Endorsed Thus

This Writt Executed by me John Vicaris of Kent County in the yeare of our Lord 1665 M^{r} Nicholas Pichard Richard Blunt Burgesses for Kent

Henry Adams Sherriff of Charles County returnes his writt directed to him dated the 2^{d} of January 1665 Endorsed Thus

This writt is Executed

Capt James Neale
Coll Gerrard ffowke
M^{r} Zachary Wade
} Chosen by an Vnanimous Consent

M^{r} Thomas Thorowgood by the Major Vote

All to serve as Burgesses for Charles County

Henry Addams

Lib. H H

By the leiv^{t} Generall

A Proclamac$\bar{o}$n

For the Preroguing the Assembly Whereas by his lo^{ps} writts bearing date the Eight & twentyth of October one Thousand six hundred sixty five an Assembly of the freemen of this Province was appointed to meet on the Eight of January then next coming & now neer att hand wee for divers reasons us Especially moveing doe hereby publish & declare th^{t} the same assembly shall be & is Prorogued from the s^{d} Eight day of January vntill the second twesday of Aprill now next Ensuing Whereof the Burges & all other the Jnhabitants of this Province whome itt may concerne may hereby take notice & Order their Affaires accordingly Given att S^{t} Mary's this fifth day of January in the yeare of our lord one thousand six hund^{d} sixty & five

Richard Ewens sheriff of Ann Arrundell County retu$\bar{r}$ his writt directed to him dat. the 23th of October 1665. Endorsed Thus p. 250

Robert Buntley Cap^{t} Thomas Beson
Richard Beard, are Burges Elected for this
County of Ann Arrundell $\bar{p}$ free Elecc$\bar{o}$n of the
ffreemen

John Collett sheriff of Baltemore County Returns his Writt dated the Three and twentyeth of October 1665 Endorsed thus p. 252

Chosen by the Majo^{r} Vote of the ffreemen to
serve as Burges for this County of Baltemore,
Coll. Nathaniell Vty and Cap^{t} Tho. Howell
$\bar{p}$ me John Collett sherriffe

Thomas Vaughan sherriff of Talbott County returnes his writt dated the 23th of October 1665 Endorsed thus

Dem^{b} 12th

The freemen of this County have Elected for their Burgesses M^{r} William Coursey and M^{r} W^{m} Hambleton

Thomas Vaughan sherriff

U. H. Journal 1659–98 p. 81

April the 10th 1666

At the House of Assembly at East St Mary's appeared The honoble Charles Calvert Esqr Lieutenant & chief Governour of the province of Maryland Philip Calvert Esqr Deputy Lieut: & Chancellour Henry Coursey Baker Brooke Thos Trueman Edward Lloyd William Evans Esqrs

Then appeared as Burgesses for St Mary's County

St Marys Coty { Wm Calvert Esqr Mr Thomas Notley
Mr Robert Slye & Mr Nicho Young

Calvert Coty { Mr Richard Preston Major Thomas Brooke
Mr Richard Smith & Mr Richard Hall

Talbot Coty { Mr Wm Coursey Mr Wm Hamilton

Ann Arundel Coty { Mr Robert Burle Capt Thos Beeson
Mr Richard Beard.....

Baltimore Coty { Capt Thos Howell Col Nathan: Utye Absent

Kent Coty { Nicholas Piccard & Rd Blunt.

Charles County { Capt James Neale Col Gerrard Fowke
Mr Zachary Wade Mr Thos Thurrowgood

Both Houses being met & after the Chancellour had given the Lower house the reasons for calling the Assembly & being licenced to choose their Speaker by the Lieutenant General they departed, And after some time returned & presented Mr Thomas Notley their Speaker who after disabling himself was approved on by the Lieuten: General

The Governor Adjourned the House
till to Morrow Morning nine of the Clock—

Wednesday the 11th 1666

Present. Charles Calvert Esqr Governour
Philip Calvert Esqr Chancellour
Baker Brooke Esqr Lloyd & Col Wm Evans Esqrs

Then came a Member from the Lower House & did desire of this House that they would be pleased to admitt the Lower House to be present at the Piscattaway Indians Conference with the Upper house some Members of that House having diverse

things to object against them, which was Granted & promised to be sent for when the Interpreters are come U. H. Journal 1659–98

Present Mr Trueman & Mr Coursey—

The Howse Adjourned till one of the Clock p. 82

At one of the Clock in the Afternoon the House met again

Then was read the petition of Marmaduke Snowe which is as followeth

To the honourable the Upper House of Assembly

The humble Petition of Marmaduke Snowe humbly Sheweth That whereas there are Errors assigned by Thos Gerrard Gent. against your Petitioner to be heard before your Honours in this honourable Assembly

And forasmuch as your Petitioner being lame & sickly & the Ordinary at this present so full of People that Accommodations are wanting to your Petitioners Condition in reference to a Continuance

He therefore humbly prays your Honours to cause the sd Errors to be heard this day otherwise your Honours would be pleased to appoint a day for hearing the same at your Honours Discretion whereby your Petitioner may then attend upon this honourable Assembly for that End

And he shall pray et

And upon the said Petition ordered that on Tuesday next his Business be heard & in the mean time that Mr Gerrard his Attorny have timely notice given him to appear

Ordered that a Member of this House go to the Lower House to tell them that to morrow morning this House will accept of the Conference from the Indians, & that then they may come to declare their Objections against them according to the Order afore-mentioned & that Mr Matthews the Interpreter have notice then to attend.

And Notice was given accordingly

Then came Mr Thomas Notley & Mr Jno Morecraft the Attornys of Thomas Gerrard & presented this following petition

To the honourable Charles Calvert Esqr

Lieutenant General & Governr & the Rest of the Council

The humble Petition of Thomas Gerrard Sheweth—That whereas your Petitioner acknowledged a Recognisance before the Lord proprietary of this Province of One thousand pounds sterling with a defeazance thereupon to Abel Snowe Who assigned the same to Judith Snowe who assigned to Marmaduke Snowe who sued out a scire facias thereupon & at a Provincial Court the sixth day of October 1664 had order to have Execution thereupon for £1000 sterl. whereupon the

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s[d] Marmaduke Snowe sued out Execution by way of Levari facias to levy by way of Execution the said Sum of £1000 sterl. which was accordingly Executed upon your Petitioners Goods & Chattles to the value of 299: 11: 3 obol the s[d] Marmaduke making further Complaint to the Court that the Sherriff had levyed but £299: 11: 3 ob & not finding any more personal Estate to perfect that Execution, the Court passed further Order the 1[st] March 1664 that the Lands of your petitioner should be Extended & appraised unless your Petitioner did produce personal Estate to compleat the Remainder of the £1000 Sterling whereupon an Extent issued out against your Petitioner's Lands & was by the Sherriff Executed, in which Order ex post Facto & the proceedings to Grant Extent, the Writt of Extent there is manifest Error as also in the Sherriffs return of the Execution thereof your Petitioner humbly prayeth your Honours the premisses Considered to grant him Liberty to Assign Errors in the Assembly & to grant him a Writt of Error that he may thereby be relieved against the illegal & Erroneous proceedings of the s[d] Snowe against him

And your petitioner shall pray e[t]

After reading of which petition the said Tho[s] Notley & Jn[o] Morecraft presented these following Errors

Errors Assigned by Thomas Gerrard upon the Proceedings to the Execution ag[t] him by Marmaduke Snowe

1[st] The Order of Court expost facto to have an Extent after Snowe had made his Election to have Execution by Levari facias is Error

2[d] The Order of Court ex post facto is General to have Extent ag[t] his Lands Whereas the Extent should be special against the Lands he had at the Time of the acknowledging the Recognizance is Error.

3[d] The Writt of Extent varyeth from the Order being misrecited in the Writt the Order being the Ground of the Writt It ought not to vary from the Order but Agree therewith in form & in terminis is Error

4 The Return of the Sherriff of the Execution of the Extent is defective in a material point for it doth not express that the Extent was by the Oath of twelve men It not mentioning that they were Sworn

Signed { Tho[s] Notley
John Morecraft

Errors assigned also by W[m] Calvert Esq[r]

John Morecraft & Thomas Notley the Attornys of Isaac Bedlo the Attorny of David Anderson in the Suit between Henry Hudson Pl[t] & David Anderson Def[t] At a Provincial Court held the 12[th] day of October 1665 & now last past—

1st The Summons is to the Attorny of Anderson, the proceedings and Judgment is against Anderson but the Plt Hudson hath put in no declaration against Anderson to ground the Proceedings & Judgmt upon for he declareth against Carver & prayeth Order agt Carver's Attorny but doth not proceed against Anderson as Carvers Attorny but as in his own Capacity & that is Error. U. H. Journal 1659–98

2. Secondly the Court saith for a Friggott & doth not say how called or of what Burthen. Every Declaration should & ought to Contain Certainty but in that there is Jncertainty. That is Error p. 84

3. Hudson prayeth Order against Carver's Attorny but nameth him not in the Declaration therefore that is Error for the incertainty of the Person—

4. The Record saith Hudson Plt & Anderson Deft when his Declaration was against Carver & it cannot appear by any Record extant that Anderson is Deft in any Declaration ever Entered in relation to the Suit & therefore that is Error

5. The Summons was directed to Thomas Notley the Attry of Anderson in which Capacity he never was & that is Error

6. Abraham Rowse served the Summons which the Sherriff ought to have done & that is Error

7. The Order of Court of the 22d Decemr 1664 was that Bedloe or his Attorney should be summoned but the Summons was awarded agt the Attorney of Anderson & therefore that is Error

8. The Testimony of Hawkins is insufficient to prove the Title of the Friggott sued for by Hudson for he speaks generally of a Vessel & saith only that he himself reputed the Vessel Hudsons but doth not say that he knew her Hudsons or that she was positively the Goods of Hudson

9. The Testimony of Staplefort insufficient. he swears positively the Vessel was Hudsons four Years & an half ago but speaketh nothing of his Knowledge but that the Carpenter that built her told him so, which is but hearsay & at Random, he speakes of a Vessell the Court saith a Friggott All which is very Uncertain & therefore Error

The Jury finds a Vessel Called the Expedition did belong to Hodson, but Hudson sues for a Friggott not distinguished by any name Nor are these Words a Vessel Called the Expedition ever named in any of the Proceedings upon Record in the said Case & therefore the Verdict of the Jury is erroneous. But admitt all the precedent Allegations of Error insufficient the which the said Bedloe doth not Grant Yet nevertheless the Error Ensuing he humbly supposeth will evidently appear.

The Friggott was in the Custody Possession & Charge of Goodrick as Servant of Hudson Goodrick sells the Vessel after

U. H. Journal 1659–98 Sale Hudson Consents to the Sale, The Jury finds that Goodrick had Satisfaction & that Hudson Consented, therefore Hudson had Satisfaction in the hands of his Servant Goodrick whom he may call to Account if he pleases & Carver cannot force him to call his Servant to Account, But if he forbear to
p. 85 call him to Account & by that think to have liberty to say he received no Satisfaction & so avoid the Sale. The Law saith

† Qui dolo dissidet possidere, pro Possessore habetur.

and Moreover the Law doth so far Conclude men as to their own Acts Consents & Laches that they shall never be received by any Plea of Law to disable their own Persons the which Hudson hath Endeavoured to do & therefore in the Judgment of Court in the said Cause there is Error

Signed { Will^m^ Calvert
John Morecroft
Tho^s^ Notley

Upon reading of which Petition & Errors,

Ordered that a Writt of Certiorari be issued to the Clerk of the Provincial Court to Certify from the Record all the Proceedings in both Writts of Error between M^r^ Snowe Pl^t^ & M^r^ Gerrard Def^t^ & M^r^ Hudson Pl^t^ & M^r^ Anderson Def^t^

Writt of Certiorari issued accordingly & to certify them to the Assembly on Tuesday next under the said Clerk's hand

Then came a Member from the Lower House to desire leave to Speak with Col W^m^ Evans being a Member of this House which was granted.

The House Adjourned till to morrow morning Nine of the Clock

Thursday the 12^th^ April Present as before

Upon the Petition of Alexander Howell for a maintenance being disabled by diverse diseases to provide for himself

It is ordered that Charles County is bound to provide for your Petitioner And that the Comm^rs^ of the said County in their Court take Care that the said County do provide for him as af^d^ And that any two of the Comm^rs^ are hereby enjoined to provide for the s^d^ Petitioner till the said County Court, and the said two Comm^rs^ to be them to whom the said Petitioner first applyes himself unto

M^r^ Matthews the Interpreter being come & the Indians sent for to declare what they have to say did speak as followeth viz.

Heads of the Indian Speech
Mattagund

Let all former idle Discourse of the youngmen on both sides be forgotten.

He speakes & undertakes for the Anacostanks Zeags & Patuxents for all the rest of the Towns here are living Witnesses Present to promise & undertake for them to desire to have no misunderstanding or Suspicion of them U. H. Journal 1659–98

Let us have no Quarrels for killing Hogs no more than for the Cows Eating the Indians Corn

Jf an Indian kill an English let him be delivered up but let it be Charactered so that the Indians may know it by a black or red Sign.

Mrs Langsworth's Children were killed & the Murtherers were delivered they found a Man Indian dead in the path killed by the English for which they have no Satisfaction & desire it may be Considered p. 86

Your hogs & Cattle injure Us You come too near Us to live & drive Us from place to place

We can fly no farther let us know where to live & how to be secured for the future from the Hogs & Cattle

Heads of Choatick's Speech

Let all the fellows that carry tales on both sides be bound & delivered on both sides if they cannot prove their Allegation to be punished As they treat the English friendly so let not the Indians be beaten without Cause when they come amongst the English & let their Priviledge of hunting be preserved as also fishing & crabbing

They desire to have the Liberty to send us their Wives & Children amongst Us in case of danger, & that the English will furnish them with Arms & Ammunition & they will Endeavour to defend both them & Us against the Janedeas &c. And further that the Governour will be pleased to fix the place whither they shall bring their Wives & Children to in Case of Danger & thither they promise to bring them.

They own the Power that Kittamagund gave to the English to choose the Emperour of Piscattaway & Submitt to it

Isapatawn for the King of Nangemaicks Son

That the King lately dead willed that his People should live under the Governour at Nanjemy & desired him to protect them upon the Land where they are & not to put them under any Indian whatsoever & that the People there desire to have their Kings Will fulfilled, & that if the Governour think fit they desire to have the King's Son here present Necatahamon to be King

And present the Governr with Roanoke to the End he protect them

Emmerson hath thrown down the Fence made by the Indians at Nanjemy about their Corn by which Eight men have lost their whole Crop of Corn for which they Complain & desired to be secured for the future

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Ordered that the heads of the Indians Speech be sent to the Lower house & that they be desired to be ready for a Conference with this House by three of the Clock this Afternoon against which time they may digest into writing any thing they have to object against the particulars desired or the Persons desiring Who will be present at the Conference and do further order that the great Room where the Court is kept be prepared against three of the Clock for the Conference of both houses with the Indians

p. 87 Ordered that Col Evans deliver the Indian Speech to the Lower House so soon as the Lower House Sitts

The House Adjourned till One of the Clock after Dinner

And the House met again, being all Present as before except Mr Trueman & the Chancellour

And according to the former Order Col Wm Evans went to the Lower House & carryed the heads of the Indians Speech with the Order of this House upon it, Who returned again & said that the Lower House would send them an answer by a messenger immediately

Then came a Member from the Lower House who did declare to his Lordship that the time by the order aforementioned which Col. Wm Evans did carry to the Lower House was expired & therefore did desire that his Lordship would be pleased to give them longer time to consider concerning the Indian Conference than was expressed in that said Order which was accordingly Granted by his Lordship, & the House appointed to morrow morning ten of the Clock against which time Notice was given to the said Interpreter to attend

Then came a Member from the Lower House to desire the meaning of two Clauses in the heads of the Indians Speech which was sent accordingly to them and are as followeth viz.

Death or Injury; was that they did desire that as the English have Laws written which they understand so upon the Agreement now to be made they do desire that they may have a stick or some such thing marked with a black Character which they may shew to their people & tell them that that signifys that there is a Law made by Agreement that whosoever from henceforth shall kill a Man shall dye for it & so for other agreements either with red or white Characters

As to the man alledged to be killed they intended the man killed at the head of Port Tob. Creek upon Col Fowks' Land about a Week after the murther of Mrs Langworth's Children for which they formerly desired One hundred & twenty Arms Length of Roaneeke satisfaction protesting withall that they will not accept of any thing hereafter for the life of a Man but

the life of him that killed him according to an Agreement now to be Confirmed by a Law of this Assembly U. H. Journal 1659–98

Memorandum Then came Mr Rd Collett the Attorny of Thos Biss & acknowledged the Sale of 1300 Acres of Land unto Christopher Birkhead & his Heirs for ever & taken & acknowledged before the Chancellour 12th April 1666

Friday 13th April 1666

The House met again Present all as Yesterday & Adjourned till after dinner

The House then met again

Present as before except the Governour

Then was brought three Bills by Mr Robert Slye from the Lower House One of them Entituled an Act against Hog-stealers And the Other an Act concerning Outlawry p. 88

The third an Act appointing Coroners in each respective County

The Bill Entituled an Act against Hog Stealers being read Ordered that such as will please to make their Objections it bring them in to Morrow Morning when the said Bill shall be read the second time

The House Adjourned till nine of the Clock in the Morning

Saturday 14th April 1666

Present as before except the Governour

The Governour being detained by other urgent affairs the House Adjourned till after Dinner

At one of the Clock the House met again & being Easter Eve & in regard of the Governour's Absence the House Adjourned till Monday Morning Nine of the Clock

Monday the 16th

Present all as before except the Governour & Mr Lloyd.

The Governour being detained by urgent Affairs from the House & in regard the Solemnity of Easter required the Presence of diverse of the Members at divine Service the House Adjourned till one of the Clock after Dinner

At one of the Clock the House met again.

Present as before.

Then came a Member from the Lower House with a Message in writing Which is as followeth Viz.

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Monday the 16th April 1666

In the Lower House of Assembly

Was read the Petition of William Galloway for Boat hire
The Petition of Henry Ward for Boat hire & 12 pair of Shoes
The Petition of Philip Thomas for a Servant who dyed in time of his Voyage last March
The Petition of the Inhabitants of Kent for Several Goods & Provisions pressed upon that Island for use of the Soldiers
Whereas there have been several Petitions from Baltimore Coty Ann Arundel County & Kent County touching the Prejudice some Persons in those Countys have sustained by the last Indian March in Provisions Boat hire & other Goods which have been alledged are not yet satisfyed Ordered that the Lieutent General be desired to Command the Commrs of these Countys to make their Enquiry & Examine all Complaints in relation thereunto & that they remitt these Examinations to the Governour & Council for their Consideration And that the
p. 89 Governour & Council be hereby desired to take such further Order therein as shall seem just and equall not only respecting these forementioned Countys but every respective County in the Province

By order of the house
Wm Bretton Clk.

Let this Paper be taken into Consideration the first Business on Wednesday Morning John Gittings

Ordered that the Lower House be desired to proceed this Afternoon to the Indian Business according to the former Order of this House. Present Mr Lloyd
Then came from the Lower House two Bills the One of them Entituled an Act prohibiting the exportation of all sorts of hydes & Skins drest & undressed part or whole except Beaver Skins and Otter Skins & all other sorts of Furs, the other an Act prohibiting foreign Ingrossers which were read the first time & referred to further Consideration to morrow morning
Then was brought a Bill Entituled an Act prohibiting the Employing of Indians as also prohibiting all Masters from suffering their Servants to raise any hogs or pigs to their proper Use the Consideration of which likewise was referred till to morrow Morning
Then was brought a Bill Entituled an Act for Recording the Journall of the Lower House the Consideration of which was referred till to morrow morning
Then was brought a Bill Entituled an Act prohibiting Trade

with Indians for any Flesh dead or alive except Deer & wild fowle & referred also till further Consideration in the morning U. H. Journal 1659–98

The House Adjourned till nine of the Clock to Morrow Morning

Tuesday the 17th 1666

Present all as Yesterday except the Governour

Then came a Member from the Lower House with one Bill being Entituled an Act limitting the Muster Master General's fees & a Message of the Speakers Motions concerning the Magazine

The Consideration of which was referred till after Dinner

The House Adjourned till After dinner

At one of the Clock the House met again

The Governour Present

Ordered that the day for hearing of the Errors between Snowe & Gerrard & between Anderson & Hudson be referred till Friday next

Then came the Clerk of the Provincial Court according to the Writt to him directed to transcribe the Proceedings in the said Causes with the Transcript thereof

Ordered by this House that the Lower House be desired to send some Members from their House to join with the Chancellour Mr Lloyd & Mr Coursey to draw up the Articles of peace with the Indians p. 90

Then was taken into Consideration the Speakers Motions concerning the Magazine

17th April 1666

In the Lower Howse of Assembly

Mr Speaker motions the House Concerning a magazine to be kept in every County for the Security of each County against the Incursion of Indians or otherwise & whither it be judged necessary or not?

In the Affirmative Necessary

Then as to the proportion of powder Shot & other Implements of War and put to the Vote

Voted necessary that there be 400lb Gunpowder 4200lb Shot or lead Snaphance Musketts high Caluver bore 140 Cutlashes & Belts fifty Carabines for Horsemen two dozen Bullettmolds high Caluver bore & two dozen of Carabine Bullet Moulds to be equally distributed into the several Countys of this Province when purchased to remain there in the Charge & Custody of such Person or Persons as the Lieut General of this Province

U. H. Journal 1659–98

shall nominate & appoint for a publick Magazine for each County

Ordered that this Proposition be drawn out & presented to the upper House at their next Convention & that they be desired to consider thereof as also how the same may be procured either to be sent for this next ensuing Shipping from England hither or otherwise & that they would please to signify to this House their Consideration & Advice thereon

By order of the house

Wm Bretton Clk.

The Upper House do think that the 1400lb powder 4200 of lead 140 Snaphance Musketts the 50 Carabines with two dozen of Bullet Moulds the Cutlashes & Belts to be very necessary to be provided as a Magazine to be distributed as in the Proposal from the Lower house is propounded & do judge it fit now to send for the sd proportion of Arms & Ammunition by Mr Charles Brooke to be paid by the publick the next Cropp according to the price Current, & that the sd Charles Brooke have a Letter of Creditt from the Governour & Speaker to the Merchants of London & Bristol to procure the sd quantity of Arms & Ammunition, & in regard the Ships are now upon departure immediately the Lower house are desired this day to prepare the Letter of Creditt for Mr Charles Brooke least he loose his passage

John Gittings

p. 91 Then came in a Message from the Lower House informing this House that the Committee appointed by the Lower House was ready whereupon ordered that the Chancellour Mr Lloyd & Mr Coursey go immediately about drawing up the Articles with the Indians. Then came a Member from the Lower House with their answer to the order of the Propositions of this House concerning the Magazine & is as followeth viz.

The Lower House do judge it more proper that the Lieutenant General & Council draw the Letters of Credence for Mr Charles Brooke for the procuring the Arms & Ammunition proposed according to the answer of the Upper House & that then the Governour & Speaker sign them in the behalf of the whole Province

Wm Bretton Clk.

The House Adjourned till to Morrow Morning Nine of the Clock.

Wednesday 18th April 1666

At Nine of the Clock the House met again

Present all as Yesterday except the Governour being hindered by Sickness & Mr Brooke by Licence

Then came a Member from the Lower House with this Message Viz. U. H. Journal 1659–98

Tuesday Afternoon 17th April 1666

In the Lower House of Assembly was read an Act for providing a Magazine made the last Assembly Upon the reading of which Act Ordered that a Messenger to Morrow Morning after the meeting of this House be sent to the Upper House requesting the Lieutenant General that he would please to signify to this House how that ten thousand pounds of Tobº levyed by Virtue of an Act of assembly made at Stᵗ Marys the last Meeting of the last Assembly Entituled an Act for providing a Magazine was disposed of according as is Enjoined in that Act

Wᵐ Bretton Clk

Ordered that the Account delivered by the Governour last Night concerning the Magazine to this house be immediately sent to the Lower House

J G

Then came a Bill likewise Entituled an Act for making high Ways & marking the heads of Rivers Creeks Branches & Swamps passable for Horse & Foot

Which was read & referred to further Consideration in due order in regard the Chancellour & the rest of the Council were to go to the Committee to draw up the Articles concerning the Indians

The House Adjourned till one of the Clock after dinner

At one of the Clock the House met again Present as before

Then came a Member from the Lower house with this Message upon the Account sent them concerning the Magazine Viz. p. 92

The lower house do humbly request whither or no that the 240ᵗᵇ powder mentioned in the Cr. of this account be as yet disposed of for the publick Use or whither yet undisposed of & where deposited & that the Lieutenant Genˡ would please to certify the needfull in this request unto this House as likewise whither the powder were bought this year or last Year

Wᵐ Bretton Clk.

The Chancellour going with the Message abovesaid to the Governour the House Adjourned for half an hour

The which time being Expired the house met again

The Governour ordered that this House doth certify to the Lower that the 240ᵗᵇ powder he mentioned in the Account sent

U. H. Journal 1659–98 to the Lower House was bought this year & that It is now ready in his hands for the use of the publick

The House Adjourned for two hours

The House met again

Then came a Member from the Lower House & returned the Lieutent: General thanks for so sudden an Answer Concerning the Magazine

Ordered that the several Bills concerning Outlawry appointing Coroners keeping a Journal of the Lower house for marking of highways prohibiting Trading with Indians for any flesh dead or alive &c be remanded to the Lower House & that they be desired to put them to the Vote of their House & send them to this house again

The House Adjourned till nine of the Clock in the morning

Thursday 19th April 1666

At Nine of the Clock the House met again

Present as yesterday. The Govern^r Present

Ordered. that the Chancellour go to the Lower House & desire them speedily to join with the Upper house in a Grand Committee to receive the Report of the Committee concerning the Indian Business so to settle the Business in regard the Governours Indisposition will not permitt him to stay long with the Houses of Assembly

That the Articles hereafter mentioned were by the Grand Committee of both Houses debated & Assented unto. And afterwards the Indians being called in were read unto them & by their Consent ordered to be Engrossed by to Morrow Morning to be ready signed interchangeably by the Indians & the Governour

The House Adjourned till one of the Clock

At one of the Clock the House met again

Present as before

p. 93 Ordered that M^r Coursey go to the Lower House with the Act prohibiting the employing of Indians & also prohibiting Masters from suffering their Servants to keep or raise any Hogs to their proper use, and the Act against Hogstealers

Then was taken into Consideration the Act prohibiting Exportation of all Hydes & Skins dressed or undressed in part or whole except Beaver Skins Otter Skins & all other Sorts of Furs & underneath which was Writt This House doth judge this Act as yet inconvenient till such time as there be sufficient

Number of Tanners Curryers & Shoemakers to tann & work up the Hydes of the Province & would by Consequence keep many hundreds of Shoes from being imported; & sent again to the Lower House. Then was taken into Consideration the Act prohibiting foreign Ingrossers underneath which was written, The Upper House do judge that this Act may cause a Contest between the Colony of Virginia & Us about purchasing Goods in Potowmack River from Ships riding on either side having hitherto indifferently traded for supplying our respective Necessitys besides that it can never well be proved that the very individual Goods bought from any Master are the same he now sells at excessive Rates U. H. Journal 1659–98

Was read the Act for recording the Journal of the Lower house & Assented to by that House & Voted to pass

Was read an Act prohibiting Trade with Indians for any flesh dead or alive except Deer & Wild Fowl & assented to by the Lower House & voted to pass

Was read an Act for marking Highways &c. & Assented to by the Lower House & voted to pass.

Was read an Act concerning Outlawry & Assented to by the Lower House & Voted to pass

Was read an Act for appointing Coroners in each County & Assented to by the Lower House & Voted to pass

Upon the Petition of Robert Corke for Eleven Weeks time expended in the Indian March, the Upper House have thought fit that the Petitioner's Satisfaction be paid out of the County of S^{t} Marys & that the Comm^{rs} of the said County take care therein

Ordered that the Petition be sent to the Lower house for their Concurrence therein. and the Lower House returned Answer that they do Concur as is desired.

W^{m} Bretton Clk.

Then was taken into Consideration the message of the Lower house concerning the Petitions of diverse Inhabitants for Provisions shoes & boat hire pressed for the Country's Use, & upon debate thereof, the Upper house have Concurred with the Lower House in the said Order John Gittings Clk.

Upon the Speakers Motions to the Lower House concerning delays & Omissions in surveying of Land, Ordered by the Upper House that an Act be drawn to oblige Surveyours to mark Lands round for the future, & likewise to oblige them to take an Oath at their Entry upon their Office as by the Lower House was moved for the due Execution of their places p. 94

John Gittings Clk.

The House Adjourned till to Morrow Morning Nine of the Clock

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Friday 20th April 1666

At nine of the Clock in the Morning the House met

Present All as yesterday

Then Came a Member of the Lower House with this message in writing viz.

Friday 20th April 1666

In the Lower House of Assembly

This House do not well resent that their proposals to the Upper House for the General Good of this Province upon their Remand from thence hither be thus scrible Scrawled & obliterated as do appear by the return of this Proposal, and therefore they humbly desire a right Understanding in such Cases between both houses

Ordered that the Presentment of this house be immediately sent to the Upper House & that they would please to give this house that needful Satisfaction as in such Cases may reasonably be required

Wm Bretton Clk.

To which was Answered

The Upper House did not Conceive that a Paper sent from the Lower House without the Clerk or Speakers hand was a paper Expected by them again & therefore did never remand that paper Scribled & Scrawled to them but sent another of their own fair written more reasonably penned as not inflicting Corporal & pecuniary punishments at one & the same time for one & the same Offence according to the best Example of the Laws of England, though it is true that when a Member of that House desired the Scribled Paper It was delivered him but not as remanded by this House

John Gittings Clk.

The Upper House have reassumed the debate of the Bill prohibiting the Exportation of all hydes &c. & do judge it inconvenient in terms as it lyes, because It is not possible to have the hydes of the Province tanned & wrought up till We have more Workmen of all sorts to Employ about it neither are there men to be found that are of Ability to set up a Tan-Yard upon the bare hopes of having Hydes in the Country cheap but as for Deer Skins every Indian can dress them & every Taylor make them up into Clothing this House will concur with the Lower in prohibiting the Exportation of them

The House Adjourned for half an hour

The House met again & Adjourned till After dinner

At one of the Clock the House met again Present as before U. H. Journal 1659–98

Then the Governour desired Edw^d Lloyd Esq^r to go to the Lower House & ask them whither they will be pleased to come & hear the Articles of Peace with the Indians Read before they are signed

The Lower House being come & the Articles of Peace read were signed by the Governour & Speaker both Houses being Present

Here followeth the Articles of peace made with the Indians this assembly U. H. Journal 1659–69 p. 280

Articles of peace & amity concluded agreed vpon between the R^t honoble Cæcilius Lord & Prop^r of the Province of Maryland & Avalon Lord Barron, of Baltemore & the Indians of Pascattoway Anacostanck, Doags, Mikikiwomans, Manasquesend, Mattawomans, Chingwawateick, Hangemaick, Portobackes, Sacayo, Panyayo, & Choptico the 20^th day of Aprill 1666

Imprimis The fore named Indians doe rattifye & confirme, accknowledge & declare the sole power of Constituting & appoynting the Emperor of Pascattoway to be & remayne in the R^t hono^ble Cæcilius Lord & Prop^r of this Province & his heires lords & Proprietarys of this Province and doe desire the Governor with what convenient speed he can to appoynte an Emperor in the place of Wahacosso the second late deceased.

2 If an Indian kill an Englishman he shall dye for itt

3 fforasmuch as the English cannot easily distinguish one Indian from another that noe Indian shall come into any English plantac̄on painted & that all the Indians shall be bound to call a lowde before they come within three hundred pacies of any English mans cleare ground & lay downe their armes whether gun Bowe or arrowes or other weapon for any English man that shall appeare vpon his call to take vp, & in case noe one appeare that he shall there leave his s^d Armes if he come neerer & that afterward he shall by calling a lowde endeavor to give notice to the English of his neerer approach And if any English man shall kill any Indian that shall come vnpaynted & give such notice & deliver vp his Armes as aforesaid he shall dye for itt as well as an Indian that kills an English man & in case the English & Indians meete accidentally in the p. 281 woods every Indian shall be bound immediately to throwe downe his Armes vpon call, and in case any Indian soe meeting an English man shall refuse to throwe downe his armes vpon Call he shall be deemed as an Enemy

4 The priviledge of hunting Crabbing fishing & fowleing shall be preserved to the Indians inviolably

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5 That in case of danger the Governor shall appoynte a place to which the Indians of the aforesaid nacōns shall bring their wives & children to be secured from danger of any forreign Indians & that in case the men of the afores^{d} nacōns chance to be killed that the women & children shall remayne free & not be servants to the English

6 That Nicholas Emanson doe make the Indians of Hangemaick sattisfaccōn for the damage by him done to their Corne in case George Thompson & John Browne testefy that the s^{d} Emanson did willfully throwe downe the fence about their Cornefeild.

7 That the Indians of Hangemaick shall remayne vpon the place where they now live & th^{t} Mecatahammon sonne to their last king be King over th^{t} people imediately under the protection of the Lord Prop^{r} of this Province & subject to noe Indian whatsoever.

8 That John Roberts & Thomas Morris doe pay the Indians of Chingwawateick one hundred & twenty armes length of Roaneoke for the Indian that was slayne by them at the head of Portoback Creeke in August last.

9 That every Indian that killeth or stealeth A hogge calfe or other beaste, or other goods shall vndergoe the same punishm^{t} that an Englishman doth for the same offence

10 That the severall nacōns afores^{d} shall continue vpon the places where they now live & that the hono^{ble} the Governor be desired to lay out their severall bounds as to him in justice shall seeme most for the publick good betweene this & the last of June next ensueing within which bounds it shall not be

p. 282 lawfull for the s^{d} nacōns to entertayne any forreign Indians whatsoever to liue with them without leaue from the Lord Prop^{r} or his cheife Governor here for the tyme being & that the s^{d} Indians shall not be forced or removed from the s^{d} places soe to be lymited and appoynted to them by the Governor as afores^{d} vnles the nacōn or nacons or any perticuler person of those nacōns hereafter to be removed shall signify their willingnes to be removed by the consent of their Matchcomics to such Com^{rs} as the s^{d} Lord Proprietor or his cheife Governor here for the tyme being by Com^{on} vnder the greate seale of this Province to be authorized to take the same & lycence therevpon from his s^{d} lop. or his Governor here to remove had and obtayned.

11 That the afores^{d} nacōns shall from & after the first of December next ensueing fence in their Cornefields from hoggs & Cattle of the English And if any English man willfully throwe downe any of their fences they shall make the Indians full sattisfaccōn for their damāge.

12 In case any servants or Slaves run away from their

Masters & come to any of the Indian Townes afores^{d} that the s^{d} Indians shall apprehend them & bring them to the next English plantacō̄n to be Conveyed to their master, and if any Indian convey or assist any such fugitives out of the Province that he shall make the respective Master or Mistres of such servant or servants such sattisfaccō̄n as an English man ought to doe in the like case. U. H. Journal 1659–69

13 That all greate men here p^{r}sent doe imediately signe theis articles & that the greate men of those Townes that were here & are returned or otherwise did not come but by their Proxies shall come to the Governor when he comes to Pascattoway to make the Emperor & signe the peace here Concluded or else to be deemed & declared enemies as well to the English as to the Indians that doe joyne with the Lord Proprietor in this peace p 283

14 That the s^{d} nacō̄ns shall not make any new peace with our Enemies & shall not make any new warre without Consent of the R^{t} hono^{ble} the Lord Prop^{r} or his cheife Governor here.

That from this day forward there be an Inviolable peace and amity betweene the R^{t} hono^{ble} the Lord Prop^{r} of this Province and the Indians afore named vpon the articles before in this treaty agreed vpon to the worlds End to endure.

Then was read the Act. for Confirmation of the Articles of Peace with the Indians both Houses being Present Voted to pass U. H. Journal 1659–98 p. 95

Upon the Petition of John Nuthall for satisfaction for Entertaining the Indians being in number about twenty Ordered that it be referred to the Consideration of the Lower House

The Governour ordered the Chancellour to go to the Lower House to desire them to hasten some Bill or other concerning the defence of the Province against the Cinago Indians which was the chiefest Cause of the Governours Calling the assembly being for that Cause Petitioned so to do

To the honourable the Burgesses of this present Assembly

The humble Petition of William Smith

Sheweth—That your Petitioner having undertaken to build a Stadt House for the Accomodation of the Country in such manner as to your Honours is generally known Now so it is may it please your Honours that Tobacco proving so bad a Commodity No Workmen can be procured by your Petitioner to make good his Promise they refusing to work for Tobacco likewise the payment being so generally known to lye much dispersed & then to be collected by the Sherriff before Accounts by the Sherriff are returned which is usually very

U. H. Journal 1659–98

late, Shipping is gone out of the Country, and thereby your Petitioner damnifyed both in his Creditt & loss of Tob^{o} lying in his hands

The Premisses Considered your Petitioner humbly begs your Honours to release his Obligation of building the House af^{d} he being willing to repay all such Tob^{o} as by Sherriffs Acc^{ts} shall appeare by him to be received, likewise that your Honours will take Care that speedier payments & Returns be by all Sherriffs made of all Ordinary Debts whatsoever without which your Petitioner is totally ruined & disabled from the Continuance of his Employment

And he as in Duty bound shall pray &c.

On which Petition was Endorsed viz.

April 19th 1666

In the Lower House of Assembly

W^{m} Smith having preferred the within Petition unto this House upon reading thereof the said Smith being sent for was demanded whither or no he was willing to be bound to build a lesser House for the Country's Accommodation that might not require so long time in building & finishing the same of so many Workmen & other requisite Provisions as that former

p. 96

house which he was Enjoined to build would have done. And he thereunto answered that he was willing to build any house that he possibly could, and he further Petitions that a Course may be taken that Ordinary Debts be better provided for in the point of payment, the meaning of which being of him demanded he expressed himself that the meaning thereof is that he desires Execution upon account if justly proved without the Debtors Subscription may be allowed

This House therefore being of Opinion at present that they see no Cause for the repealing the former Act about the State house & that a former Law hath sufficiently provided for payment of ordinary Debts the Consideration of the Petition be left to the debate of the Upper House & that they would signify to this House their Opinions on the Same

W^{m} Bretton Clk.

To Which was Answered

The Upper House do think fit to repeal the Act for building a State House saving that Clause which obligeth Will^{m} Smith to repair this old House & keep Ordinary in it for seven Years & that Smith repay the Tobaccos next Year which he hath already received towards the building of the Great Stadt house, And further that both houses do think of some way to provide

an House merely to hold Courts of Assemblys in apart from any victualling House whatsoever And this House do think that all Ordinary Keepers are as well secured already as in Justice or reason can be required U. H. Journal 1659–98

Which Answer being sent to the Lower House they returned the paper Endorsed viz.

Monday 20th April 1666

This House do concur with the Upper House as to the repeal of the Act concerning Building a Stadt House & as touching the lease of the Land for 51 Years, but that the Clause for Smiths keeping Ordinary for Seven Years in this old House & for repairing the same remain of force & that 15556lb tob.o Collected by the several Sherriffs this Year for building the State House for the use of the sd Smith be discounted with him this year upon the Assemblys Expences

Willm Bretton Clk.

Then was returned from the Lower house the Act against Hogstealers and Endorsed viz.

Upon the reading of this Act against Hogstealers this House observes there is not in the Paragraphs expressing the first & second Offence of Hogstealers the Satisfaction Provided to the Owner to the Owner of such Hogs so stoln as was by this house intended to be provided which if it should so pass would prove very injurious to the Owners of such Hogs & not reach the main End for which that Act was intended, & therefore do desire the Upper House's further debate thereon & would signify their Reasons why those Fines in the Act drawn up in this House & sent to the Upper House may not be imposed p. 97

To which It was answered

Let there be added a Clause of payment of double damage to the Owner of the hogs for every hog stol'n for the first & second Offence only & this house will Concur & assent to it, the other Fines they think too great to be added to so infamous punishment

Then was returned from the Lower House the Act prohibiting the employing of Indians Endorsed vizt

Thursday 19th April 1666

This House requests that the Upper House will please to reassume their debate concerning this Act prohibiting the Employing of Indians &c. they thinking it very needful that that Act should pass

Wm Bretton Clk

U. H. Journal 1659–98

To which was Answered

It is Ordinary for the English to give one half of his Hogs for killing & bringing the other half to the Owner of such Hogs & therefore by this Act We prohibitt the only Way to recover a Man's own the cheapest & nearest Way & having provided too severe an Act against Hogstealers & subjected the Indian by Articles to the same punishm^t that an English man is subject to, This House sees no reason to prohibit the Employing them any more than an Englishman

To the second part providing ag^t allowing Servants to keep hogs It being in the power of every Master not to do it if not obliged by Indentures in England, and diverse Masters being obliged by Indentures to allow Servants to raise hogs against they are free, this House do think it Unnecessary to pass this Law & in the second part injurious

John Gittings Clk

Then came a Member from the Lower House with this Paper

Viz Thursday 19^th April 1666

In the Lower House of Assembly

Ordered that a Messenger be sent to Morrow Morning to the Upper House desiring them to draw up the Credential Letters for M^r Charles Brooke in order to the procuring the Magazine in England to be sent in next Shipping & that they would prepare a Bill providing for the payment thereof at Arrival

W^m Bretton Clk.

Ordered that the Lower house be desired to satisfy this house upon whom these Letters of Credit shall be drawn & that then this House will take Care for the drawing them accordingly

John Gittings

p. 98 Upon the presenting of the Charge of W^m Smith about the Indian Treaty Ordered that It be referred to the Lower house their Consideration

Ordered by the Upper House that the Chancellour do pass the Articles concerning the Indians under the great Seal of the Province

The day for hearing Errors is appointed on Monday Morn: next

The House Adjourned till to Morrow Morning nine of the Clock

Saturday the 21st April 1666 U. H. Journal 1659–98

At nine of the Clock in the Morning the House met

Present as before

To the Message in Writing from the Lower House dated 16th of April 1666.

The Upper House are desired to record this Proposal & advice in their Journall & that the Lieuten: General do therein as is requested

Wm Bretton Clk.

Upon the Petition of Capt Jas Neale for naturalization for himself & Children was Written

Let this be sent to the Lower House for their Consents J: G:

To which was answered

The Lower House without any further Consideration do willingly comply that the Petitioners prayers may be Granted

Wm Bretton Clk.

Then was presented the Petition of John Lawson high Sherriff of St Mary's County viz.

To the honourable the Lieutenant General & Upper & Lower Houses of Assembly

The humble Petition of John Lawson

Sheweth—That your Petitioner was Commanded to imprison Jacob the Negro & to Execute him as likewise to Execute the two Indians with Grave-making Your Petitioner was out a good Quantity of Tobo humbly prays satisfaction for his sd Service & Expences as your Honours shall think fit

And he shall pray

Let this Petition be referred to the Consideration of the Lower House J: G:

Then came a Messenger from the Lower House with their Order to the said Petition & Laws Viz. The Lower House have thought fit to allow John Lawson Sherriff upon his Petition & Account, one thousand sixty & five pounds of tobo out of the publick Levy

Wm Bretton Clk.

The Upper House have Assented

John Gittings Clk.

Then came a Member from the Lower House with two Bills p. 99
One of them Entituled an Act prohibitting Commrs Sherriffs &

U. H. Journal 1659–98

Clerks to plead as Attornys in their respective County Courts The second Entituled an Act for Clks Fees & Jurors in Civil Causes & upon reading of the first passed the Upper House the other referred till Monday next

Then came a Member from the Lower House with the Petition following

To the Right honourable the Governour & Council and the rest of the Assembly

The humble Petition of Chatike Sheweth—

Whereas your Petitioner hath faithfully performed his Endeavours to the procuring the finding out of the Murtherers & the bringing in the heads of the last Indians & shall for the future Endeavour to find out all such Businesses & acquaint the English of it doth humbly request a Gratuity such as You in your Discretions shall think fit

And your Petitioner shall pray &c.

Which Petition was Endorsed thus Viz.

Whereas the Governour & Council are best knowing what your Petitioner deserved Ordered therefore that this Petition be transferred to the Upper House & whatever they shall judge the Petitioner doth deserve & they allow; this House will willingly Concur therein

W^m^ Bretton Clk.

Which Petition & Endorsment thereon being read in the Upper House Ordered that an Horse be given to Chotike & that 2300^lb^ tob^o^ be paid for the Horse now Offered

Then was read the Petition of John Nuthall which is as followeth

To the Honble the Governour & Council Assembled in the Present General Assembly. The humble Petition of John Nuthall

Sheweth—That your Petitioner by the Governour's Command hath Entertained at his House for the space of a fortnight twenty Indians sometimes more & some times less & hath been at great Trouble in providing for them

Wherefore your Petitioner humbly desire of your Honours such satisfaction as to your Honours shall seem meet.

And he shall pray

Under which Petition was written viz.

Let this Petition be sent to the Lower house & that the Members of that house be desired to take the same into their Consideration

John Gittings Clk.

And after some time was returned again to the Upper house Endorsed thus U. H. Journal 1659–98 p. 100

Whereas Mr Nuthall hath made no certain Acct or Charge he hath been at for Entertaining the Indians this House can say nothing thereto & therefore leave it to the Consideration of the Upper House

Whereupon ordered by the Upper House that the said Nuthall bring in his Account when the publick Levy is laid & then he shall be allowed any thing in reason

The House Adjourned till nine of the Clock on Monday Morning

Monday Morning 23d April 1666

The House met again Present all except Col Evans & Mr Thos Trueman

Then came Mr Thos Notley Mr Jno Morecraft & Wm Calvert Esqr the Attornys of Isaac Bedloe the Attorny of David Anderson to plead to the Errors Assigned by them towards the Beginning of the Assembly in a cause between the said Hudson & Anderson, & the sd Hudson by himself or his Attorny not appearing Ordered that this Cause be Adjourned till next Assembly & that a Scire facias be awarded to Hudson to shew Cause to the next Assembly why the said Errors shall not be Allowed & the Judgment reversed

The Lieutenant General Absent

Then was read the Errors inter Causa Snowe Plt & Gerrard Deft the said Notley & Morecroft being Attornys for the sd Gerrard the first of which Errors was put to the Vote whither it be Error or not in the Court of this Province according to the Law of this Province and Voted by the Major Part of the house that it is Error

Whereupon the said Morecroft the Attorny of the sd Thomas Gerrard moves the Court for a Writt to remove them from Possession & to reverse the said Order & Extent

Ordered by the Upper House of Assembly that the sd Order & Extent be reversed & that the hands of the said Snowe be removed from possession of the Lands of the sd Gerrard by virtue thereof so Extended & that the said Gerrard be put in full & quiet Possession & seizure of the same & that a Writt issue to the Sherriff of our said County for that purpose

The House Adjourned till after Dinner

At One of the Clock the House met again

My Lord Col Evans & Mr Coursey Absent

U. H. Journal 1659–98 Then came a Member from the Lower House with these following Papers Viz.

A Petition of John Lawson with an Account thereunto Annexed & an Order of the Lower house thereon Viz.

p. 101 The Lower house have thought fit to allow Jn° Lawson Sherriff upon his Petition & Account 1065.lb tob° out of the publick Levy to which Order the Upper house have assented.

with another paper viz.

In the Lower House of Assembly

That Whereas this House being informed that the Secretary's Office was never well finished by Wm Smith, but that the Writing and Records are subject to much damage upon the least Wet or Rain, this House do therefore desire that the Lieuten! General & Council be desired to take some further Course therein that Wm Smith be Constrained to amend & compleat the same

Presented to the Upper House
Wm Bretton Clk.

Ordered by the Upper House that the Governour & Council take care that Wm Smith at his own proper Charge do compleat the Office & finish it so as to secure the Records from all Rain & Snow

John Gittings Clk

Then came three Bills from the Lower House One Entituled an Act prohibiting foreign Ingrossers The second Entituled an prohibiting Commrs Sherriffs & Clerks to plead as Attornys in their respective County Courts, The Third Entituled an Act prohibiting the Office of Clerk & Sherriff to be officiated at one & the same time. All which were Assented to by the Lower House & ordered by the Upper House to be Ingrossed

Then came a Message from the Lower House viz.

Monday the 23d April 1666

In the Lower House of Assembly

This House do humbly request that the Lieutenant General & Upper House would please to signify to this House the day of Sessions, for that the Ordinary can afford no longer Accommodation the Provisions being very near spent

Wm Bretton Clk.

The Upper House upon the receipt of the Message from the Lower House desiring the Lieutenant General & Upper House

would be pleased to signify to the Lower House the day of Sessions, Taking into Consideration the said Message do return answer that the appointing a day of Sessions being the Sole Right of the Lord Proprietary they cannot pretend any thing in order to it, but humbly advise his Lordsp or his Lieuten[t] here, & he being at this time employed about his Lordsp's other urgent Affairs this house doth desire the Lower House that they will take it into their serious Consideration the present deplorable State of the Province reduced to almost extreme Poverty, by the decay of our only Commodity Tobacco, & that they will well weigh that important Business, which was the third & not the least Cause of calling this Assembly, & cannot believe that they in prudence can think fit to petition the Lieutenant General for a Session, till they have secured that great Interest of the Province whither in relation to War or peace U. H. Journal 1659–98

Which Answer was sent to the Lower House by M[r] Brooke p. 102

The House Adjourned till nine of the Clock to Morrow Morning

Tuesday 24[th] April 1666

At nine of the Clock the House met Present as before except the Govern[r]

Upon the Act for hog Stealers returned by the Lower house was Endorsed viz. The Lower House have taken into Consideration the last Answer of the Upper House to this Act concerning Hogstealers do judge that double Damages will not be so proper as a certain fine & further desires the Upper House their Consideration further thereupon, & to signify their full Determination in Concurrence therewith or otherwise

W[m] Bretton Clk.

To which was Answered

The Upper House sees no cause to recede from their former judgm[t] Viz. That damages is more proper & agreeable to Law, to annex with corporal Punishment than fines. And the Certainty lyes in the quantity of Hogs found out & not either in the fines or Damages J: G:

Then was read the Act for building a Prison at S[t] Marys & sent to the Lower house

The House Adjourned till one of the Clock

The House met again Present as before

Then was sent an Act Entituled an Act for the Advance of other Commoditys more staple than Tob[o], An Act for Encouragem[t] of Trade subscribed—The Lower House are desired to debate this Act & to signify their Concurrence or otherwise their Reasons why they cannot Consent J: G:

U. H. Journal 1659–98 An Act for the Clerk's Fees & Allowance for Jurors in civil Causes passed both Houses

Then came a Member from the Lower House with an Answer in writing to the Message sent by the Upper House yesterday concerning the appointing the day of Sessions & is as followeth viz

Tuesday 24th April 1666

Upon an Answer from the Upper House last night sent to this House in answer to the request concerning the day of Sessions they are satisfyed to the former part of that Answer that the Lord Proprietary or his Lieutent have only power for the appointing the day of Sessions but were not advised then of the Lieutent Generall's Absence As to the other part as touching the Upper House's desire that this House would take into their Consideration the deplorable Estate of this Province as relating to the Trade of Tobacco, although this House not not long after the first Convention had taken the Consideration thereof upon a full & long debate Voted unnecessary that a Cessation be imposed upon this Province but that every man be left to his Liberty which Vote was granted upon great De-
p. 103 liberation Yet that We may not appear otherwise than rational in our Proceedings We have thought good to reassume the Debate in relation thereunto & do propose to the Upper House as followeth

We humbly conceive it will be more proper that Notice be first given to the Lord Proprietary of this Province as touching the Proposal of a Cessation that thereby he may first Consider how the same may quadrate with his Lordships Interest here & that his Lordship's Pleasure may first be signifyed hither if he like the Proposition whose pleasure as touching the same may reasonably be Expected about the middle of November next if the Proposition be sent him this Shipping for We are not willing to act or determine anything which may reflect upon his Lordships Rights Interest or Prerogative without especial Direction from himself, & that if a Cessation be prefixed as some Persons desire it may be, the Consequence may prove very prejudicial to the Proprietor in that We have reason to believe that this Province will be much depopulated by such Occasion, & what other Prejudices it may usher in to the disadvantage of his Lordships rule & Dignity over this Province, We presume his Lordship is more sensible than Ourselves And therefore We the Burgesses of this present Assembly do judge that in Duty We are bound to apply ourselves first to him whose Preservation in his just Rights & Dignity do so nearly concern our & this Province's peace & Tranquillity that if his Lordship shall conclude it necessary that a Cessation

be made the Year 1667, in order thereunto this Assembly if the Lieutenant General think fit might be prorogued to the last of November next, At which time they may meet only about that Affair & that by that time We do believe We shall be very well informed whither Tob^o now our only Commodity will be of more Concernment to plant, or to think & Conclude of some other more beneficial Commoditys, All which being well Considered & debated this House cannot but presume this Proposal very rational U. H. Journal 1659–98

Ordered that the proposal within mentioned be sent to the Upper House & that they will please to take the same into their serious Consideration & after mature debate thereon in that House they would please to remand their Result on the same to this House

Presented to the Upper House
W^m Bretton Clk.

Then came a member from the Lower house with this Paper viz.

Tuesday 24^th April 1666

In the Lower house

That upon debate of these two Acts this House do think them unreasonable & Unnecessary & that they will not Consent to any Cessation upon any terms whatsoever but only upon such terms as was by this House proposed to the Upper House in their last proposition sent from this House to them And therefore do humbly desire the Upper House to signify their Assent or Disassent immediately, for that this House are resolved to have no further debate thereon p. 104

W^m Bretton

Within an hour after which came from the Lower House this following Paper viz.

In the Lower House

24^th April 1666

The Lower House do desire that the Upper House will please to give Answer to their last Message which they do expect & shall not debate these two Acts drawn by the Upper House & sent hither until their Answer thereunto given

W^m Bretton Clk

In answer to the two Proposals sent from the Lower House dated Tuesday the 24^th April 1666. The Governour & the Upper House are very well satisfyed that the passing of an Act for a Cessation by the Consent of his Governour & Assembly here is no way prejudicial to his Lordships just

U. H. Journal 1659–98

Rights here & therefore sent to the Lower House a Bill in order to it for their Consideration & approbation or else to desire the Reasons of their Dissent amongst which they hope they shall not find this here alledged as casting only a delay to the ruin of the Province in the way of a wholesome Act made for the Benefit of the Province upon an Emergent Opportunity not wilfully to be lost because never to be recovered if now neglected. There cannot be a thing in which his Lordships Interests are more Concerned than in that of War & peace & yet We must repell force & make peace upon emergent Occasions without delay or sending to his Lordship or else see the Province ruined

To the second Clause which inculcates the Consequence of a Cessation may be the Depopulation of the Province We answer that You urge it but as a may be but certainly when by planting Tob^{o} You have rendered it worth nothing the People will totally desert the Province as not being able to subsist here & therefore the Argument cannot induce this House to move the Governour for a prorogation nor so much as an Adjournment till November & therefore desire the Lower House to proceed to debate these two last Acts sent to them for Encouragem^{t} of Trade & Advancement of more Staple Commoditys

John Gittings Clk.

The House Adjourned till to Morrow Morning nine of the Clock.

Wednesday the 25th April 1666

Present as before

Then came a Member from the Lower House with two Acts One of them Entituled an Act against Hogstealers & the other an Act Entituled an Act for building a Prison at S^{t} Marys

p. 105 Then was sent to the Lower House this following Message Viz.

The Governour & Upper House of Assembly received last night two papers from you relating to the Act for Encouragem^{t} of Trade & are very sorry they are obliged to tell You they have some Reason to suspect that Businesses either are not carryed on in a due Way in your House but managed by the Artifice of a few, or else that whatsoever You pretended of Care of his Lordship's Interests in your Proposals for a prorogation till his Lordships Pleasure be known touching a Cessation You have neither Care of his Interests here nor respect for him nor his Governour nor Government even now when It is managed by his Son & Heir apparent

If You have the due respect to the Governour You pretend

how came these Words viz[t]? Please to give Answer which they do expect & shall not debate those two Acts &c. into your paper sent within half a quarter of an hour after your proposals which with so plausible a pretence of my Lords Interest You offered to the mature deliberation of the Governour & Upper House. Whence that Hast? U. H. Journal 1659–98

And if You do truly value my Lord's Interest here how comes it that with one breath You make an Act for carrying a War on without the Bounds of the Province in order to the defence of the Province & with the next refuse to take true Care for the means of procuring Arms & Ammunition, We mean the Act for Encouragement of Trade in which is included the Cessation for Assure Yourselves unless You find the way to lessen the vast Quantity of Tob[o]. It is impossible to make it worth fetching & by Consequence less worth the importing Arms & Ammunition to purchase it with, neither will it procure any Credit for persons to be sent abroad upon a Treaty

This Gentlemen is down right Truth & carrys as little fallacy in the Arguments as Gloss of Words to sett it of with Wherefore as You tender the preservation of Yourselves Your Wives & Familys reassume the Debate & prepare yourselves to join with this house in a Grand Committee to settle this Business of a Cessation upon which depends the Preservation of the Province not only in relation to its trade but also its defence against the foreign Indians

Then came a Member from the Lower House with two Acts One of them Entituled an Act for the regulating of future Surveys & the Other An Act providing against Runaways & all such as shall Entertain them

Ordered that the said Act be took into Debate by the Upper House after the Upper & Lower House are joined together in a grand Committee concerning the Cessation

Ordered that a Member of this House go to the Lower House & make known to the Speaker that the Governour expects him with the whole Lower house in the room where the Upper House sitts within half an hour at furthest— p. 106

Then came a Member from the Lower House with an Answer to the abovesaid Order

Wednesday the 25[th] April 1666

The Lower House do unanimously agree that they are willing now & at all other times shall be to attend the Lieutenant General either by a full house or otherwise by Committees Yet nevertheless they do humbly pray that the Lieuten[t] General would please at this time to signify to them the reason of this his sudden Command in calling them before him upon such

U. H. Journal 1659–98

short Limitation of time that they may prepare themselves the better to appear & give Answer to that which his Honour pleaseth to Communicate to them

Ordered by the whole House that Mr Wm Coursey present the same to the Upper House

Wm Bretton Clk.

Whereupon ordered by this House that the Answer to the two papers sent yesterday from the Lower House be sent to the Lower House & that it be signifyed to them by a Copy of this Order that the reason for the Governours sending for the Speaker & that House is to receive their personal Answer to the said Paper which he suddenly expects they should Perform

It being now one of the Clock the House
Adjourned till three

The House met again Present as before

Ordered that a Messenger be sent to the Lower house to desire them to perform their Promise to the Governour this Morning to come & attend him there he having sent them the reason why he called for them & Answer returned they were preparing to give Answer

Then came a member from the Lower house with this Paper viz.t

Wednesday 25th April 1666

To the Rt honourable the Upper House of Assembly

The Lower House humbly desires that there may be a right Understanding between both houses Which they hope for the future will be & as to the Words, (shall not debate) was never intended by this house to disgust the Upper House, but shall for the future avoid such Expressions, This House humbly desires that the Upper House would be pleased to lett them understand their reasons to suspect that Businesses are not carryed on in a due Way in this House but managed by the Artifice of a few, This House being altogether ignorant that Affairs are so managed and further that if any Person hath informed the Upper House that Businesses are so carryed on as afd this House desires that the Upper House would be pleased to signify Who they are that thereby they may be the better able to vindicate themselves

Wm Bretton Clk

To which was Answered

To the paper sent by the Lower House dated 25th April 1666 into the Upper House We reply that We are glad they are sensible of the mis-carriage in Sending that Paper first Sent

p. 107

24th Instant but there being a second Paper sent the same day of the same Complexion & in the same Dialect Endorsed upon two Acts sent by the Upper House to them of no less importance than the Ruin or Welfare of the whole Province, to one of which they do flatly say that they will not consent upon any terms but their own, & after in the Close of all that they are resolved to have no further debate thereon U. H. Journal 1659–98

This House have a just Cause to think Affairs are not carryed in a due orderly Way It being impossible that orderly Proceedings should produce such peremptory papers without any particular reasons given to the Governour of this Province Assisted by the Upper House of Assembly Wherefore the Governour & upper House do expect that the Speaker & the Lower House should come to them in person to clear themselves of the suspicion by arguing & debating the reasons inducing to Assent to, or disassent from the said Act

John Gittings

Then came from the Lower House this paper following

April the 25th 1666

In the Lower House of Assembly

In answer to the Paper last sent by the Upper House to this House dated the 25th April 1666, this House is willing to make their appearance in the Upper House to hear their Reasons for the passing an Act for a Cessation But humbly conceive that It stands not with their Liberty & Privileges to debate any matters at large there, but that they return to their own House & debate those Reasons amongst themselves, & so signify their Assent or dissassent thereunto which they presume is no more than their undoubted Privileges upon which Acct they are willing upon Notice from the Upper House to attend them

Wm Bretton Clk.

The House Adjourned till nine of the Clock in the Morning

Thursday 26th April 1666

At Nine of the Clock in the Morning the House met

Present All as before

Then went a Member of this House to the Lower with the paper following

April 26th To the Lower House of Assembly

The Governour & this House received a paper from You last night, the Sum of which was that You would come & hear what

U. H. Journal 1659–98 We could say & our Reasons for the Act for Encouragement of Trade & upon the Grounds in the preamble of the Act Contained judge it reasonable & desire your Assent to it or your Reasons why You dissassent, You instead of reason send Us peremptory Denyalls & resolutions not to debate any more
p. 108 & now You tell us again that You will hear our Reasons which certainly ought to have been penned We will give you our Reasons if You had any respect for the Governour or had any regard to the good of the people that sent You hither to do & consent to such things as by common Council of the Province shall happen to be ordained which common Council can never be had without debate

Now to speak particularly to the reason of your paper to wit, (but We humbly conceive that it stands not with our Liberty & Privileges to debate any matter at large there. To this We answer Conferences are not against your Privileges, & Conference is not only to no purpose but no Conference at all unless for the discussion of the reasons that can be for or against the Matter Conferred on there be debate at large

And secondly You mistake Us & your Privileges too, for We desire only a full & free debate with You all, & that We may throughly understand the Case & according to the Weight of the reason to be alledged by every particular Person to prepare ourselves for a reasonable determination & Resolution Which as We intend to make apart from You in our own House so You may make it by yourselves in your own House, only take this rule by the Way Obstinate Fortitude is as pernicious to the common Wealth as fearful Honesty & therefore Conferences are necessary, neq timida probitas nec improba fortitudo Reipublicæ Utilis est says My Lord Cook in his Jurisdiction of Parliaments Both Houses in England once sate together & therefore debated together by consequence, Yea even Voted together & therefore It can be no breach of your Privileges to debate with Us the Time of our Sitting together is not out of the Memory of Man, and therefore You cannot prescribe to the Contrary, & were it not for the respect We bear my Lord's positive Commands to keep the Houses apart (Who in the manner of holding Assemblys is by his Pattent tyed to no Rules) We might perhaps tell You that We find just Cause to come & Vote with You also, Upon Consideration of all which We must tell You that We do expect You should come this day & confer with Us & debate the Reasons for & against that Act for Encouragem^{t} of Trade with Us & that You go into your own house afterwards & freely give y^{r} Votes for or against it as the Reasons urged shall move You, This last Offer if You refuse We do hereby protest our own Innocency & that whatsoever certainly shall befall the Province either by the decay of our

Trade or the Invasion of our Enemys for want of Arms & Ammunition now not to be purchased by Tob^o^ though We have vast Quantitys lying by Us the Guilt lyes at your Doors & lastly tell You it is your selves in Person & not Answers in paper that We expect from You U. H. Journal 1659–98

J: G:

Ordered that the Act for Encouragem^t^ of Trade & the Act for advance of more staple Commoditys than Tobacco be sent to the Lower House again & that if they Consent not to it that they send their particular reasons why they disassent p. 109

J G:

The House Adjourned for two hours

The House met again Present as before

Then was sent an Act touching payment of Debts in the Year 1667 Ordered that a Member of this House go to the Lower, with this Act & read it to them & desire them to Consider of it

Then came a Member from the Lower House with their Reasons against a Cessation which is as followeth & ordered a Reply be drawn to them

The Reasons of the Lower House why
they think a Cessation from planting
Tobacco to be Unnecessary in this Province

We Conceive our Cessation will rather Encrease than lessen the quantity of Tobacco for it will Encourage the People of those parts to plant Tobacco where now there is little or none made, and the rather because other American Plantations are in the same State & plight as We are as to their Commoditys which by reason of the Want & supply of Shipping their Commoditys usually planted as Sugar Ginger Cotton & Indico are now as contemptible as Tobacco can possibly be And should We now conclude to make a Cessation they would undoubtedly fall upon planting Tobacco their Lands being more proper for its production & will yearly produce not only one Crop but most commonly two & sometimes three Crops, so that their Abundance will render our Cessation in this Province ineffectual & thereby We lose the main End of a Cessation as to advance our Commodity Tobacco which by that Occasion We judge will never the more for our Cessation be advanced unless a total Cessation in all his Majesty's Plantations in America be Enforced & therefore We judge a Cessation in this Province unnecessary & ineffectual

2 A Cessation shall disencourage Merchants from sending Ships to these Parts We not having the Commodity which they chiefly seek for here nor any probability or hopes in any

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reasonable time to produce other Manufactures for their Encouragement to visitt this Province & supply Us with such Necessarys as We from time to time shall want So that by the means of a Cessation in Maryland & Virginia our Trade will be for a long time obstructed, Merchants usually trading this Way will settle their Trade in other parts, And We shall thereby in all probability be wholly deserted by Shipping, our Country ruined, Ourselves Wives & Children Exposed to little better than a Pagan & Salvage manner of living

p. 110

3 Seamen shall not be got to come for these parts for any other Commodity than Tobacco, in regard it pays a great Custom, an Excise & freight which commonly Seamen save & put into their Purses which is their only Invitation to these parts, their Employment when they arrive here being so very much slavish is well Compensated by the Gain they have by Tobacco, the which other Commoditys will never afford them

Therefore they will decline this trade which will be a great Occasion to deterr Merchants from the Trade of these parts also

4. A Cessation shall invite or rather Constrain all Freemen or the greatest part of them to go out of this Province, & seek out these parts where they may freely make use of their Labours without Restraint by which means this Province will be in danger of Depopulation & young Freemen being the greatest Strength of this Province their Departure from hence will very much weaken us & render us a Prey to our salvage Enemys

5 The Quantity of Tobacco doth not lessen the Price here but the want of Ships to fetch it away which are not to be exported till the Lord pleaseth to remove the Scourges of War & Pestilence from our native Nation of England which War & pestilence is the only principal Cause not only of the Contemptibleness of our principal Commodity tobacco at present but of all other Commoditys in America of what nature or kind soever

The afd Reasons being well weighed & Considered We hope will give plenary Satisfaction to the Upper House & to all good men & unbyassed Persons

Wm Bretton

The House Adjourned for half an hour

The House met again Present as before

Then went a Member of this House to the Lower to tell them that the reply to their Reasons against the Cessation will be too late for the Clerk to copy over to night for the Lower House's Perusal, therefore ordered that it be fair written & sent in the morning

J G:

The House Adjourned till nine of the Clock in the Morning

The House at nine of the Clock met again Present as before U. H. Journal 1659-98

Then was sent to the Lower House the Answer to the Reasons against a Cessation and ordered that the Lower House be desired to consider of them & after Consideration had to reassume the debate of the Act for Encouragement of Trade & the other Act for advance of more staple Commoditys than Tobacco

The Answer to the Reasons of the Lower House given against a Cessation for Planting Tobacco are as followeth

To your first reason We answer that It is impossible our Cessation should rather encrease than lessen the Quantity of Tobacco because it is of so little value in itself & rendered so Contemptible by the abundance made even to the Glutt of all p. 111
Marketts & lastly so difficult to preserve, in Expectation of a future Vent, & therefore It can no way Encourage but must on the Contrary discourage all men from planting it to Excess as We do We do confess the other American Plantations are in the same Plight We are for Want of Shipping but We deny that their Commoditys are as Contemptible as Ours You instance Sugar Ginger Cotton Indico & we will follow your own Method Sugar will not only keep many Years in expectation of a Markett but grow better, Tobacco either will not keep at all or if it do keep grow much worse Ginger will keep if it have no other Quality, Cotton will not only keep but may be & is wrought up in great quantitys into Clothing for the Planter daily. And lastly Indico is a Commodity of great Value & so long to be preserved that it may not improperly be called imperishable, We appeal then to your own Judgments whither it be probable that the American Plantations should leave of Planting these Staple valuable & imperishable Commoditys though they have no present Vent for them only to plant tobacco which We cannot live by having no greater Certainty of Vent for it than We have & as certain to have it rott upon their Hands as We can be.

Besides were all that You alledge true which for the reasons above given We flatly deny Yet by making an Act for a Cessation now & sending the News home We shall get a good supply of Clothing Arms & Ammunition for this next Cropp which will be vented before the other American Plantations can Plant any tobacco this We think sufficient to satisfy reasonable Men but if this satisfy not We are ready at a Conference to give more reason than can Conveniently be written at this time

2. Did We not see that the greatest part of the World is too little for the English Merchants Shipping & Seamen, & so

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much too little that they have in a manner forced the King by their Clamours to a War with the Dutch to make room for them to trade your second reason had been of some weight, but that convincing Argument hath given You sufficient Security You shall never want Traders, or Shipping if You have a Commodity worth fetching But to your second reason We further say It is not the Shipping's barely coming hither that We are to wish for but their Importation of Goods to Clothe Us & if We take fifty thous^d hh^ds tob^o. out of the Trade as by not planting it for one Year We shall make it valuable & worth the adventuring Goods hither to purchase it and by Consequence have Clothing & necessarys for it which if We persist to keep the Markett glutted We shall never have & if We have necessarys for this & the next Years Crop now ready to be planted what need We further desire shipping than to carry it away & so much will undoubtedly be sent by those whose Subsistence is by the trade of Tobacco when they know before hand they can have none the next Year following if Merchants trading this Way do settle their Trade in other parts

p. 112

it will be no Calamity since England can afford others that are not acquainted with the ways of grinding the face of the poor used by some now, which hard usage hath reduced already the poorest Sort of People of this Province to a Condition little better than that pagan & salvage manner of living which You seem to fear from a Cessation.

3 The third Reason is founded upon stealing his Majesty's Customs by Seamen & were not worth the Answering, but that perhaps some Men might think there is more weight in it to sway a Man's Judgm^t against a Cessation from planting Tobacco for a Year than in truth it doth, Wherefore We will give You not Grant You that Seamen will not come for any other Commodity but Tobacco, & therefore Assure you that We will not plant so much tobacco or so long till it be worth nothing to them or Us, & We do Conceive the Lower House cannot in prudence think it fit to have the Province plant Tobacco merely to have the Seaman's Company even now when the Planter gets nothing for it In short our design is to advance the price of Tobacco to make it worth planting & fetching & that Yourselves say will invite the Seamen when there is Tobacco & when there is none We need him not

4. But whither shall the Freemen go? Not to Virginia because there is a Cessation nor to the other American Plantations because Yourselves say their Commoditys are as Contemptible as Tobacco, & We have demonstrated that no prudent man will make that perishable Drug Tob^o. in these parts therefore he must of necessity stay here & if permitted to plant Tobacco till it will not supply his Wants having nothing to lose will at last rob others that are better furnished

Neither doth it clearly appear to Us that the departure of the Freemen will be a misfortune but may possibly be an Advantage to the Freeholder, & they are the Strength & only Strength of the Province not the Freemen, It is their persons purses & Stocks must bear the Burthen of the Government both in Peace & War & not Freemen who can easily abandon Us & could they depart the Province in General (which We know they cannot) & would the Freemen do it, Yet if to gain them to stay We should forbear to do that which is best for the Freeholder of the Province that hath Stock Wife & Children fixed & irremovable as We may say here We were unworthy to be called the two Houses of Assembly but We do know that they either cannot leave the Province for Poverty or will stay in it till the mean price of Tob^o^ drive them out of it or else which We more fear force them to Committ Outrages in it for want of Necessarys not to be provided by Tobacco because Worth nothing. U. H. Journal 1659–98

5 Your first Reason says your Quantity of Tobacco doth not lessen the Price here but the Want of Ships to fetch it away, What is this in plain English but to say that there is more Tobacco than the Ships that are or were here this Year can carry away? Have We not then Glutted the present Markett here why then shall We not have a Cessation to make tobacco bear a Price here, & that It will bear when every Ship that by chance comes cannot have loading Witness that Year when M^r^ Humphry Warren M^r^ Rozer & others gave two pence p ℔. Bills of Exchange than pay dead Freight when the Tob^o^ in London yielded not above three half pence, Neither do yourselves offer at any Hopes of more Shipping nor can in prudence Expect the War should End these two Years during which time It were vain to plant that which by your own Arguments cannot be fetched So that upon the whole Matter We see no Reason to recede from our desires of that Act for Encouragement of Trade at least our Trade for what imports it Us to hear that Tobacco bears a Price at London or in Russia if it will not buy Us Shirts here It is here We must make it stand & then it will be dear and purchase Clothing Arms & Ammunition which now it will not & without them We must needs all perish p. 113

Wherefore the Governour & Upper House do Conjure You Gentlemen of the Lower House to consider the calamitous Condition of the Province in want of Cloths at home, Assaulted by Enemys abroad & no means provided as yet to make our only Commodity Tobacco of sufficient Value to purchase either Clothing for ourselves or Arms to defend Us

The last Assembly denyed us a power to maintain War without the limitts of the Province the Consequence of that was the unrevenged nay as yet unrevengeable Murther of thirty

U. H. Journal 1659–98 innocent people & the ruin of more yet living in their Estates & Plantations You think You have done better by giving Us a power to maintain War without the Province by levying tob^o^ what signifys that Act unless by a Cessation You bring it to a Value & Estimation could Tobacco procure so much as Credit for meat & drink & necessary Expences at New York for persons to be sent thither, Col Nicholls might perhaps procure Us a certain & cheap peace with the Ciniquos as is manifest by his noble Obliging & friendly Letters sent into this Province But as the Case stands the Governour can neither arm Soldiers to fight for You nor send Comm^rs^ to treat for You, nor indeed accept of that Act for maintaining War without the Province without hazarding his Honour not only to the Censuring of our neighbouring Governments but also to the Scorn of the Pagan & Infidell. Wherefore We now as before protest We are innocent of the Blood already spilt having done our Endeavours in the last Assembly to prevent it, & will hold ourselves guiltless of all the Blood that may hereafter be shed for want of your Care in this Assembly if You consent not to a Cessation from planting Tob^o^ for the Year 1667 which alone can put the Governour into a Condition to secure You

Consider further that a Glutt must needs be the Effect of
p. 114 planting still as much as before, A Stint is impracticable so that there is no Way left but a Cessation

Upon a Glutt of Tobacco necessarily follows the Ruin of the House-holder & Master of Servants, the Tobacco they make being so little worth that a Servants Cargo shall not Cloath him & renew his time, the Consequence of which must be that the Richest of us all at last must beat his own Bread for want of Servants tho' the poor man will be the first shall feel it, because it may so fall that two Servant's Labour may clothe & purchase One when one Man's Labour shall not purchase any

We will yet for this poor man's sake make one Instance more, Quick Dispatch is the life of Trade, for which Reason the rich man that can compleat a Merchant's Freight with Speed shall be served when a poor man his Crop not exceeding 6 or 8 hh^ds^ Tob.^o^ shall starve for Want

If that fail the Rich have means to take freight certain in England by which means if Freight be scant, the Rich will have it all, if plenty the Rich being supplyed by their own Returns or Credit the poor will be sacrificed to the rapacious Avarice of the Trades there being none to beat the price but those whose Wants will not permit them to expect & must therefore perish or run more in Debt, so that upon the whole matter, if either You will hearken to the crying Necessitys of the poor, the groans of those that live in fear of a pagan Enemy or to hear the honour of Government You will join with Us in a

Cessation Act which at once remedys these three Evils: Inconveniencys it may have as nothing in this World is simply good in itself, but the Conveniencys are greater than the Inconveniencys, unless there be something in Nature unknown to Us dearer than Life Liberty the Honour of the Governm^{t} & name of Christian otherwise laid open to the Scorn of the Infidel. U. H. Journal 1659–98

The House Adjourned till two of the Clock
After Dinner

At two of the Clock the House met again

Ordered that the Chancellour go to the Lower house with the Answer to the Lower House their Reasons against a Cessation & read it to them.

Then came a Member from the lower howse with this Message in wryting (vizt) U. H. Journal 1659–69 p. 265

Vpon the Chancellors comeing into the lower howse and readeing the Vpper howse their reasons why a Cessacõn necessary. The lower howse takeing them into their serious Consideracõn & debateing thereon doe rest sattisfyed Provided there be care taken & provision made for the sattisfaccõn of debts & that their neigboring Collony of Virg^{a} doe comply with us

W^{m} Bretton Clk.

Then was read the Act for Encouragem^{t} of trade which was assented to by this howse & sent to the lower howse for their Assent

Then was return'd the Act for Encouragem^{t} of trade from the lower howse with their assent

The howse ajourned till 9 of
the Clock in the morning

At 9 of the Clock the howse mett againe

Present all as before Except M^{r} Trueman & the Governor.

Then was sent the Act for the Surveyors to the lower howse & return'd againe with their Assent.

Then was brought an Act for giving passes to persons that are to departe this Province from the lower howse as also an Act ag^{t} Runawayes, and assented to by the lower howse

The howse ajourned for two houres

The howse mett againe

Then came a Member of the lower howse wth an Act reviving those temporary lawes now expired

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To the Rt. honoble the vpper & the honoble the lower howes of this prsent generall Assembly

The humble petn of Wm Smith Ordinary Keeper Sheweth

That yor petr was obliged for seaven yeares to keepe ordinary here att St Marys, And thereby is constrayned to give Creditt through all the Province likewise that there is an act entituled
p. 266 an Act for the Encouragemt of Ordinary Keepers which provides Execucon for all bills and accts vnder hand wryting & wittnes due to any ordinary keepers which yor petr findes immateriall by reason in Courts and other busie tymes many persons after two or three dayes stay goe away without setting their hands to their accounts, or passing bill By which means yor petr through distance of place, multiplicity of publick busines & not well knowing the persons is rendred incapable of procuring his debts, And in the end such debtors haue the liberty to pleade to his losse that act where accts are not pleadeable after such a tyme, By which meanes yor petr is inervated from the preservacon of his publick imployments without speedy redress which he humbly tenders to yor honors may be thus effected That is his bookes being avouched by his booke keepers oath he keepeing foure bookes for that purpose one for every Provinciall Court & once a yeare they being all drawne into one Execucon may be signed vpon itt. He not intending to prjudice the Country thereby but only to gett his reall debt hereby obligeing himselfe not to serve any execu[con] but from the tenth October to the last of March that is Tobacco tyme, And soe people tht otherwise haue fraudulent intencons, heareing of this will pass their bills, or signe their accts before their departure. Yor petr further shewes to yor honors that after execucon signed, he is inforced to put his debts vnto the Sherriffe to collect who through multiplicity of publick busines or neglect is very late before his debts are received or accts returned, By which meanes yor petrs Credrs are delayed his owne Creditt impaired & in fine his tobacco left on his hands all the yeare, Soe tht he is dampnifyed for want of speedyer returnes both in providing for his publick Entertayn[ment] and loss of his tobacco to his totall ruine & disableing without speedy redress which yor petr humbly Conceives may be thus effected. That after Execucon signed as aforesaid yor petrs may haue the
p. 267 liberty to choose in every County such men as he can Confide in, And that they may be impowred for the receiveing his debts soe that he may thereby haue his tobacco betimes in the yeare, whereby he may be in Capacity to provide for the yeare ensueing. Yor petr also humbly craues of yor honors that he may have six acres of land of the one hundred acres he lives vpon

confirmed to him & his will for fifty one yeares, where he may build without any Charge to the Country to his vse & he will inclose the same. U. H. Journal 1659–69

Yo^r pet^r further sayth that without such redresses as afores^d he is totally disabled from keepeing Ordinary, Which p^rmisses Considered yo^r pet^r humbly throwes himselfe vpon yo^r honors for such Redress as to yo^r honors may seeme meete that his publick designe may be encouraged & not languish.

And he shall pray &c.

vpon readeing of which pet^n This howse doe Conceive that W^m Smith may haue a lease for three acres of the Countrys land for 31 yeares to him & his Executors layd out in such parts as the Governor shall thinke fitt & that the rest of the pet^n is vnreasonable

Jo: Gittings Clre.

The lower howse doe Consent that W^m Smith may haue three acres of the Countrys land for one and thirty yeares to him & his Executors to be layd out by the Governor, provided the sd Smith & his Executers be obliged to build a new howse thereon at his owne Costs & charges & keep ordinary therein for the Countrys service & for the entertaynment of all psons whatsoever attending Pro^all Courts & Assemblys or vpon their other necessary occasions at other tymes. As to the rest of the sd Smiths pet^n this howse Concurrs with the Vpper howse

W^m Bretton Clk

Ordered that in pursuance of the sd pet^n & orders of both howses that the Governor cause to lay out three acres of the Countrys land for the said Smith

John Gittings

Was read the pet^n of Henry Adams High Sherriff of Charles County as followeth p. 268

To the hono^ble Governo^r & Councell
and Burgesses now assembled
The humble pet^n of Henry Adams high
Sherriff of Charles County
Humbly sheweth

That whereas yo^r pet^r had by lawe due vnto him for the imprisonm^t of Hannah Lee als Price & Mary Marler from the 17^th of June vntill the tenth of October & and for other Charges by the sd. prisoners incurr'd as for their conveying to S^t Marys &c the sume of five thousand seaven hundred and fifteene pounds of tobacco, & caske And for the Indian prisoners with the charge of Conveying them to S^t Marys the sume of one thousand eight hundred seaventy & five pounds of tobacco, &

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caske as p his acc° more att large may appeare, And yo^r pet^r not having any knowledge of the tyme of the laying the publick leavy that he might at that tyme have presented his acc^ts Yo^r pet^r did putt in his acc° vnto the Court that was held in Charles County for the laying of the leavy of the sd County & was from thence referred to this Assembly

The p^rmisses being taken into yo^r serious consideracō yo^r pet^r humbly craveth yo^r honors will be pleased to grant his order for the sd charge

And he shall pray

After reading of which pet^n ordered that it be sent to the lower howse for their consideracō.

J: G:

The howse ajourned till Munday morn 9 of the Clock

On Munday morn at nine of the Clock the howse mett Present all as before

p. 269

Then came a Member from the lower howse with the answere to the Sherriff of Charles Countys pet^n & acc° which is as followeth

Sattirday 28^th Aprill 1666

This howse doe judge that the first sume (vizt) 5715^lb tobacco be payd by the Inhabitants of Charles County The lawes of this Province now in force hauing sufficiently provided as to the payment of fees due from Criminalls in such cases, As to the latter sume being 1875^lb tobacco the lawe made anno 1662 doe provide that the Pro^all Court take order where the sherriff may repayre for sattisfaccōn of his fees in th^t case

W^m Bretton—

Then came a Member from the lower howse with this Message vizt.

The lower howse doe humbly pray that the Lieutenn^t Generall would please to appoynte a certaine number of the Vpper howse to joyne with a certaine number of the lower howse to be a Comittee for the Amendm^t of certaine lawes now in force within the Province & that they make Reporte to both howses what acts are necessary to be repealed & to renew the whole body of lawes thereby to expediate all busines this day if possible

W^m Bretton Clk.

Ordered by this howse that M^r Coursey and M^r Lloyd be joyned in a Comittee with any two of the lower howse whome

the Speaker shall appoynte for the amending the Act for quietting possõns. U. H. Journal 1659–69

Then came a bill from the lower howse Entituled an additionall Clause to an Act entituled an act for the Encouragem^{t} of soweing English grayne

The howse ajourned till
after dinner

The howse mett againe Present as before

Then was sent to the lower howse the answere to the Clause of the act entituled an Act for Encouragement of soweing English grayne (vizt)

This howse is willing to Consent to this act provided that all debts already contracted & all such as may be Contracted betweene the 24th of March 1667 & the 25th of March 1668 where Tobaccoes are not to be had for the sattisfying such debts be discharged by Wheate, Rye, Barley, and Pease att such Rates as in this Act mencõned vpon a lawfull tender of such graines made to the Creditor or his certaine Attorney p. 270

J: G:

Then came a Member of the lower howse with this paper (vizt)

This howse doe declare that the 3600^{lb} Tobacco which the Leiutenn^{t} Generall makes himselfe Debtor for to the publick doe still remayne in his hands for his sattisfaccõn for what he hath payd W^{m} Smith out of his owne estate towards the advancem^{t} for building of the Secretarys office. And doe pray that he would be pleased to accept thereof And as for the 240^{lb} of powder nowe in the Leiutenn^{t} Generalls hands, The Burgesses doe pray that he would please to dispose thereof to the Militia officers of the fronteere Countys to be imployed for the good of the publick in case of Insurreccõn or Invasion of Indians.

W^{m} Bretton Clk.

Then came a Member from the lower howse with this pet^{n} following

To the R^{t} hono^{ble} the Governo^{r}
& Councell & the hono^{ble} the
Burgesses of this Assembly

The humble pet^{n} of the Inhabitants
of Baltemore County

Sheweth

That whereas there was a peace made with the Mattawas Indians & since that peace made there hath been two of those

U. H. Journal 1659–69 p. 271 Indians killed for which they threaten a Revenge but haue been kept from itt as they say in hope of having sattisfaccõn Wee doe humbly pray that this honoble Assembly would take itt into their serious Consideracõn that search may be made for the murtherers & sattisfaccõn given for the prevencõn of the Iffusion of Christian blood

And they shall pray &c.

Vpon the petn abouesaid This howse doe thinke itt fitt that the Comrs of Baltemore County doe make Enquiry after the death of the two Indians in this petn mencõned & reporte the matter of fact to the next Proall Court, And that the sd Proall Court be impowred by this Assembly to proceed according to justice & articles wth the sd Indians made at Delaware.

Which order aforesd was sent to the lower howse who return'd it Endorsed vizt

The lower howse doe Concurr with the Vpper howse in this matter Wm Bretton Clk.

Then came Mr Coursey and Mr Lloyd with The Reporte of the Comittee appoynted by both howses of this assembly for the amendmt of the Act for quietting possõns. (vizt)

Jmpr As to the first parte of his Lops excepcõns in relacõn to Orphans it is most certaine that the Orphant of the Devizee will be most wronged His predecessors haue bona fide payd for the same & by this reason is answered the generall excepcõns of his Lopo (vizt) that there would haue greater inconveniences hapned in case such course had not been taken. Though wee grant that as to the Rule of the Lawe of England it may seeme some thing strange, though at that tyme to our owne quiett & the justnes of the generall Cause of our Country wee found it good reason) Except that parte of his Lops excepcõns in the lands held by pattent which wee doe humbly present to the two howses for amendmt & that it may be mended in these termes.) Provided that this lawe nor any thing therein contayned barr not the Lord Propr &c for their Clayme to any lands in this Province whatsoever

signed Ed Lloyd.

p. 272 The lower howse doe Concurr with the Reporte of the Comittee as touching the Act of Quieteing possõns.

Wm Bretton Clk.

This howse doe judge it very convenient that seaven coppys of the lawes made this Assembly be fairely transcribed into parchmt & pass vnder the greate seale of the Province to be sent to the seuerall respectiue Countys to the End that all the good people of this Province may haue sufficient notice of them & that the honoble the Chancellor be desired to take care to see

the same effectually done with all Convenient speede after the dissolucōn of this Assembly And that each respective County pay to the Chancellor this Ensueing Crop the sume of two thousand pounds of tobacco for his care & paines therein. And whether or noe for the future it be not Convenient to establish by lawe that the Chancellor for the tyme being shall by writt to the Sher. of the respective Countys cause all such lawes as shall from tyme to tyme be Enacted to be published & proclaymed as heretofore has been done in England afore there was printing U. H. Journal 1659–69

This is Recomēended to Mr
Speaker by
signed. Charles Calvert

To which was answered

The Speaker Comunicated the within paper to the lower howse.

And the howse doe Concurr therewith Provided the lawes be transmitted to the respectiue Countyes before the next generall leavy be made vp. Wm Bretton Clk.

The howse ajourned till 9 of
the Clock in the morning

At 9 of the Clock the howse mett againe Present as before

Then came a Member of the lower howse & desired the Governor from the whole lower howse not to discharge Edward Erbery Merchant of the Sare of Bristoll in regard they had something to object agt him as well for abuseing the lower howse of assembly as his Lop̄. the last night p. 273

Then came a Member from the lower howse with this paper following

Tuesday 1s May 1666

Wm Calvert Esqr mocōns the howse

That whereas there was an abuse comitted last night by Edward Erbery to the disturbance of the whole howse in their quiett & rest. And the Clk of this howse informes that the sd Erbery did call the whole howse Papists, Rogues, Turdy rogues, &c which the Speaker is desired to take notice of & proceed therein either by prsentmt or otherwise as to him shall seeme best & that it be the first thing this howse takes into their Consideracōn or debate. Mr Nicholas Pinkard informes that Erberry called the whole howse a Turdy shitten assembly Mr Richard Blunt informes that Erbery sayd wee are a Company of turdy fellowes (meaneing the lower howse) & were ashamed of the place from whence wee came.

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Mr Richard Hall sayes that amongst a greate many of other Extravagant words Erberry sayd that Charles Calvert was a Rogue.

Wm Calvert Esqr sayth how that Erbery in his heareing sayd wee vizt the Assembly were a Company of pittifull Rogues, & puppyes & there is not one in the Cuntry deserves to keepe me Company but Charles Calvert who owes me ten thousand pounds of tobacco.

Mr Rich Smith informes that this morning when Erbery awaked the sd Erbery complayned that he was bound that he remembered all tht he had sayd last night & that he was not drunk. And in a threatning manner sayd, he would Remember those that bound him.

p. 274 The abuse that Edward Erbery gaue to the Leiutennt Generall & to this Assembly last night being taken into Consideracōn & vpon a full debate thereon had in this howse.

They doe judge the same to be a scandall to the Lord Propr to his Leiutennt Generall & to both howses of Assembly & a greate Reflecc̄on vpon the whole Province in generall And therefore vnanimously voted by this howse that the sd Erbery be brought before this howse to giue answere to the above-said Charge in relacōn to those Informacōns now giuen in agt him.

Ordered by the Speaker that mr Edward Erbery be brought into the howse by the Sherriff &c.

And taxed by the Speaker of all those words spoken who makeing his appearance after the Charge being read vnto him he answered that he remembred none of those words as is alledged only he Confesseth that he was in drinke, And being further taxed abt the words spoken this morning (which were averred by a member of the howse he says that he remembers not that ever he spoke such words.

Which answere being taken into Consideracōn the howse doe judge the same altogether vnsattisfactory & tht noe ꝑson of full age shall take advantage by drunkennes in such case. Wherevpon this howse doe humbly present the Consideracōn hereof to the Vpper howse that they would please to signify to this howse their Resentment of the same And what they shall judge further necessary to be done with the sd Erbery as touching his punishment or otherwise for this howse Concurrence therewith

Wm Bretton Clk.

The Vpper howse doe order that the sd Ed. Erbery be tyed to the Apple tree before the howse of Assembly & be there
p. 275 publickly whipt vpon the bare back with thirty nine lashes And that the Sher. of St Marys County be comānded to apprehend

the sd Erbery & see this order putt in execucōn & that the sd Erbery doe pay the Sheriff his fees before he departs out of his custody And further ordered that the s[d] Erbery be after he is whipt brought into both howses of Assembly publickly to aske them forgiueness U. H. Journal 1659–69

John Gittings Clk.

The howse ajourned till after dinner

The howse mett againe
Present all as before

Ordered by the Vpper howse of Assembly that Edward Erbery doe pay for fees to John Gittings Clk of the Vpper howse 308[lb] tobacco, To Will[m] Bretton 216[lb] tobacco M[r] ffitz-alleyn 100[lb] tobacco in all 624[lb] tob

The howse ajourned till
9 of the Clock in the
morning

At 9 of the Clock the howse mett againe

Present as Yesterday

Then was sent to the lower howse the Act Concerning the Act repeale of the Clause of an act concerning the Secretarys fees of 12[d] p pole for passengers imported.

Then came a Member of the lower howse & return'd the concerning the Repeale of the Clause of an act concerning the Secretarys fees &c vnder neath which was written Vpon the Reassumpcōn of this bill the lower howse vpon further debate doe thinke it very vnreasonable to repeale the Clause or branch of the act menconed in this bill

W[m] Bretton Clk

Then came M[r] John Nutthall & p[r]sented this following acc[o] vizt

M[r] John Nutthall humbly desires
this acc[o] to be allowed (vizt)

	lb Tob
To the Entertaynm[t] of 22 Indians seaven dayes 3 meales a day a peece at 30[lb] p diem for each Indian	4620
To the Entertaynm[t] of 16 Indians 7 dayes at 2 meales a day a peece at 20[lb] p diem each Indian	2240
sume	6860

p. 276

The Vpper howse thinks this account vnreasonable
Ordered that this acc[o] be sent to the lower howse

John: Gittings

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The lower howse doe thinke that 2000lb tob is sufficient for Mr Nutthalls sattisfaccōn for the accomodacōn of the Indians & doe consent to allowe soe much & noe more

Wm Bretton

The vpper howse doe consent to the same

J: G:

To the honoble the Vpper & lower howse of Assembly

The humble petn of John Nutthall

Sheweth

That yor petr entertayned by the order & cōmand of both howses of Assembly 22 Indians 14 dayes for the which they haue allowed him 2000lb tob with which he is not sattisfyed haveing provided flesh for them once a day at least Wherefore he sayth that his trouble & charge is more Considerable

And humbly prays order that his acco putt in this day may be allowed

And he shall pray

Ordered that this petn be sent to the lower howse & that they be desired to Consider thereof

Jo: Gittings.

Vpon Reassumpcōn of this petn remanded hither from the vpper howse And putt to the vote

This howse doe judge that in Conscience they ought not to allowe the petr more then two thousand pounds of tobacco

Wm Bretton Clk.

p. 277

Vpon Consideracōn of the accts of Wm Smith sent from the lower howse this howse doe judge itt fitt to allowe him Eleaven thousand pounds of tobacco of the thirteene thousand nine hundred seaventy seaven [by] him demanded & for the future that they make a lawe that Ordinary Keepers shall sell according to the Reporte of the Comittee appoynted for stateing thi busines & doe desire the lower howse to concurr with them in itt for avoyding further disputes. J: G:

The howse ajourned for halfe an houre

The howse mett againe Present as before

Then came a Member of the lower howse with these acts (vizt) an Act for reviving certaine lawes within this Province An Act providing for the paymt of 25lb tob. p pole in the Cessacōn yeare to the leiutennt Generall. An Act lymiting ordinary Keepers

The howse ajourned till 9 of the Clock in the morn.

At 9 of the Clock the howse mett U. H. Journal 1659–69

present all as before

Then came a Member from the lower howse to desire this howse to send the Act for the transmitting of the lawes to the respective Countyes.

Vpon the pet^{n} of John Lawson & acc^{o} for fees due to him for M^{rs} Lees imprisonm^{t} The lower howse is desired duely to consider this pet^{n}

Then came a Member from the lower howse with the Act for the Burgesses expences with their assent to itt

Memorandum on the 29th Aprill issued out of the Vpper howse of Assembly this following writt.

Cæcilius &c To the Sherriff of S^{t} Marys County Greeting p. 278
Whereas Marmaduke Snowe haveing obtayned an order of our Pro^{all} Court of the 6^{t} day of October 1664 to haue execu-cō̄n for 1000^{lb} sterl ag^{t} Thomas Gerrard Esq^{r} vpon which order the sd Snowe sued forth a levari facias directed to our Sherriff of S^{t} Marys County which was returned executed by our Sherriff but to the vallue of 299^{lb} 11^{s} 3^{d}½ ob. & the s^{d} Snowe there vpon complayning to our Provinciall Court held at S^{t} Marys the first day of March 1664 of the same Court then passed an order that in case the sd Gerrard would not produce personall estate within this Province for sattisfacc̄on of the sd 1000^{lb} sterl. that an Extent upon the moyety of the lands tenem^{ts} & hereditam^{ts} of the sd Gerrard should be granted to the sd Snowe whereupon a writt was granted directed to our Sher. of our County of S^{t} Marys thereby comanding him that in case the sd Gerrard did not produce psonall estate within our Province sufficient to sattisfy the sd debt of 1000^{lb} then to extend the moyety of any the lands tenem^{ts} or hereditam^{ts} of the sd Gerrard within S^{t} Marys County vntill the sd sume of 1000^{lb} sterl. due to the sd Snowe as aforesd. be sattisfyed which sd writt being returned by our sd sher. executed vpon the moyety of the Mannor of S^{t} Clements in the sd County of S^{t} Marys. The sd Thomas Gerrard brought our writt of error in radicione executionis in vpper howse of Assembly held at S^{t} Marys the 10th day of Aprill 1666 & assigned for Error amongst other things that the order of our Pro^{all} Court granted ex post facto for an extent ag^{t} the lands of the sd Gerrard after Snowe had chosen a levari facias was error. And our sd vpper howse of assembly readeing the Records & proceedings of our sd provinciall Court therein & viewing and Considering of the same did finde the sd order & Extent therevpon grounded to p. 279
be erroneous Wherevpon our sd upper howse of Assembly Ordered that the sd order and Extent should be reversed &

U. H. Journal 1659–69

that the hands of the s^d^ Snowe should be Removed from the possō̄n of the lands of the s^d^ Gerrard by vertue thereof soe Extended And the s^d^ Gerrard to be putt in full & quiett possō̄n & seisure of the same Theis are therefore to will & require yo^u^ th^t^ yo^u^ doe forthwith remove the s^d^ Snowe or any other persons whatsoeuer Clayming by p^r^tence of the s^d^ Extent from the possō̄n of th^t^ moyety of the Manner of S^t^ Clements in our County of S^t^ Marys soe Extended as afores^d^ And to deliuer Seisure & possō̄n thereof to the s^d^ Thomas Gerrard quietly & peaceably to enjoye the same as in his former Right. And this shall be yo^r^ warrant for soe doeing & th^t^ yo^u^ make returne of the execucō̄n of this precept Wittnes our deare Brother Philip Calvert Esq^r^ our Chancellor of our s^d^ Province of Maryland this 29^th^ Aprill 1666

signed Philip Calvert

All the lawes Enacted this Assembly being read over both howses of Assembly being present The Governor dissolved the howse

John: Gittings

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a session held at St. Mary's, April 10 *to May* 3, 1666.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

The Jo
Assembly
att S
by the hon^ble
of the
L^d: Baron of
Begun the

[*Six lines missing*]

howse: Whene the Chancelo^r of the Laying
downe afore them the Reasons why this Assembly this
time especially called. And after his speech ended lled
them to goe into their owne howse, & make Choyce
Speaker amongst themselves.

And being in their owne howse. They Voted M^r Thomas
ley (one of the Burgesses of S^t maries County Speaker
of the howse.

And then returning againe into the Vpper howse, They pre-
M^r Thomas Nottley afores^d to the Gouerno^r & Councell;
Who. dmitted & accepted of according to their Vote.

And being come into their owne howse. The Elected M^r
W^m Bretton Clerke of the Lower howse of Assembly.

M^r Speaker then sent for the Writts directed to the Sheriffs
each respectiue County, for the Electing of the Bur-
gesses.

W^ch being deliuered in the howse Each Sheriff's Returne of
respectiue County, (being seauen Countys in the whole)
are as followeth.

[*Four lines missing*] p. 2

Blunt.
Pickard
Burke
Beson

[*Five lines missing*]

ffor Baltemore County
- Co^ll Gerard ffowke
- M^r Zachary Wade
- M^r Thomas Thorowgood
- Co^ll Nathaniel Vtye
- Cap^t Thomas Howell.

ffor Talbott County.
- M^r Will^m Coursey
- M^r Will^m Hambleton.

21 Members.

L. H. Journal original

Vppon the number of One & Twenty members (one whereof viz^{t} Co^{l} Nathaniel Vtye appeares not) Putt to the vote many Members to make the howse

The howse proceeding to the settling of the howse. Voted & Ordered That any Twelue members assembled, (whereof the Speaker to bee allwayes one) att the time & place appoynted by the s^{d} Speaker to a howse of Commons, or Lower howse of Assembly, to all intent purposes.

p. 3 Then the Speaker ordered the Clerke to Settling of the howse. W^{ch} is as

The Order for Settling the

Jt is Ordered by & wth the aduise & Prouince now assembled: That M^{r} Thomas Nottley Speaker Will^{m} Nicholas Young M^{r} Richard Blunt Burle, Cap^{t} Thomas Ba Maio^{r} Thomas B James Neale Co^{l} Thorow Natha

[*One line missing*]

the Speaker of Commons or Lower howse of Assembly And all Bills, Acts, or Orders passed by the s^{d} one Members or any Eleauen of them, wth the Speaker assembled as afores^{d} wth the consent & approbaō̄n of the Vpper howse, & Enacted by the Leiu^{t} Grāll, Gouerno^{r} of this Prouince under the R^{t} hon^{ble} Cecilius Lord Baron of Baltemore, Lord Proprietary &c: Shall bee Lawes of this Prouince, after publicaō̄n thereof under the Seale of the Prouince, as fully to all intents & purposes, as if they were aduised & assented unto, by all the respectiue ffreemen of this Prouince in person.

W^{ch} fores^{d} Order being read. M^{r} Speaker Ordered That those Orders passed the Last Assembly to bee obserued by the Burgesses, bee read ouer. W^{ch} being likewise read.

Ordered That the Clerke draw out those orders, to bee obserued in the howse, ag^{s}t tomorrow morning 8 a Clock.

And then adiourned the howse 'till to morrow morning 8 a Clock.

p. 4 th Aprill 1666. 8 a Clock.

All p^{r}nt as yesterday. Co^{ll} Nath: Vtye not.

that th^{t} Order for Settling the present wne up, bee againe read ole howse.

likewise agreed on, bee read ouer ordered to bee affixed in

[*Five lines missing*]

proper

Viz^{t} The gentleman th^{t} Spoake last or the

2 That noe one speake aboue once, att one reading to any Bill wthout Lycence of the Speaker. And if Two p^{r}sons or

more rise up togeather, The Speaker shall appoynt who may speake first. And noe one may interrupt another, or speake 'till the other haue ended. L. H. Journal original

3 Noe one shall deliuer his opinion, or speake sitting to any Bill Butt shall stand up reuerently, directing his speach to the speaker.

4 Euery Bill proposed to the howse, shall bee read three seuerall dayes before it bee engrossed: & th^t betwixt Euery readyng, one day shall bee intermitted: unlesse uppon urgent occasion the speaker shall dispence therew^th; And then One Bill being read two times att one sitting, shall bee sufficient as read two seuerall dayes and times, when soe entred on the Clerks Journall.

5. Noe one shall come into the howse of Assembly (whilst the howse is sitting) w^th a sword, or other wea the same p. 5
by, in the hand of the Dore-keeper therto uppon penel
of ffine, as the shall thinke fitt.

6. Any of the One & Twenty m Assembly, w^ch shall
bee absent from poynted, shall bee fyned (after the
bled, according to the order discretion of the by
the speaker.

7. [*Two lines missing.*]

8 When any obiection thereto, The speaker shall
app speake to the s^d Bill, & deliuer his Opinion first
the speaker shall thinke fitt & conuenient.

9. That during the Assembly Noe one whatsoeu^r eyther Burgesse or Clerke shall utter any words, or make relaō of any words spoaken in the howse to any Bill, or otherwise uppon debate or conference, uppon such penalty as the howse shall thinke fitt & impose.

10. Noe Whispering or priuate communicaōn shallbee by any Two or more members, concerning the debate of any Bill in the howse or whillst the howse is sitting.

M^r Speaker then declared. That according to what was yesterday proposed by the Chancelo^r in the Vpperhowse, as to the motives why this assembly was called: And particularly Concerning the p^rsent Trade of Tob. & Concerning the Indian Busines. Hee thereuppon ordered Cap^t James Neale, M^r Thomas Thorowgood M^r Nicholas Young & M^r Richard Beard a Committee to draw up in writing their Reasons Concer-
of Tob. As eyther to a Stint, or to a Totall or p. 6
otherwise. W^th all to make report howses consideraōn.
had as touching th^t p^rticular busines their charge.
busines After debate thereon had Will^m Coursey
a Messenger to the Upper tend to proceed on the
Indian haue conference. this howse who haue

[*Three lines missing*]

L. H. Journal original for him & to mr speaker & this howse, according thᵗ busines, by their owne Messenger.

Putt to the Vote whither it bee iudged needfull thᵗ a Bill bee drawne up Concerning Outlawries & Coroners &c: yea or noe?

Jn the affirmatiue by all (Except those of the Committee)

Was read those Two Acts formerly made & passed Concerning Hogstealers

Putt to the Vote whither those Acts be sufficiently penall yea or noe? Before any further proceed made herein

The Committee Returnes, & presents this ensuing Paper to Mr Speaker. (vizᵗ)

Our Opinions are That no Cessaō be imposed uppon the people of this Prouince for these Reasons.

1 Wee Conceiue our Cessation will rather encrease then lessen the quantity of Tob. ffor it will encourage the poeple of
p. 7 those parts to plant Tob. when now there is ted.

2 A Cessaōn shall disincowrage to these parts. Wee not hauing the seeke for here.

3. Seamen shall not bee any other Comodity then Tob. an excize & ffreight wᶜʰ their purses.

4 A Cessaōn or

[*One line missing*]

labours

5 The Quantity of Tob doth not the want of shipps to fetch it away: wᶜʰ are not to bee expected 'till the Lord pleases to remoaue the scourge of War and pestilence from Our Nation.

Vppon these Reasons Mr Speaker requested each member to deliuer his Opinion seuerally. As to a Cessation whither necessary yea or noe?

The Maior Vote as That (as to the prsent State of the Prouince wherein it now stands) Euery one bee left to his liberty eyther for planting of Tob. or employing his time & labour on other designes, as hee shall please.

Ordered thᵗ that Busines Concerning Hogstealers bee first Considered on, in the afternoone

The Howse adiorned by the Speaker 'till 2 a clock afternoone

Wednesday 2 a clock afternoone

The howse called. All prnt Except as afore. Coˡ Nath.
p. 8 appeares not former Acts Concerning hogstealers (wᶜʰ the Uote whither sufficiently penall

[*Two lines missing*]

all bee necessary th^t a Committee bee Bill con- L. H. Journal original
cerning hogstealers ins- Acts now in force bee
[*Three lines missing*]
howse M^r Clock And that Soe much
howse, by th^t time

Vppon some priuate busines of M^r Speakers w^th the Vpper howse

The howse adiornd for halfe an howre.

The howse mett againe all p^rnt, Except as afore.

M^r Speaker informes the howse how th^t a Certaine summe of Tob. hath beene raysed & payd by the whole Country (as hee supposes) towards the building of a Prison, Stocks & Ducking Stoole here att S^t Maries. Jn whose hands the Tob lyeth, hee knoweth not And therefore hee iudgeth it meete to know where the Tob is deposited, or how disposed of, by the then Sheriffs

Whereuppon M^r Speaker Ordered Will^m Caluert Esq a Messenger to the Vpper howse, to entreate the Leiu^t Grāll th^t Co^ll Will^m Euans may come to this howse. They hauing some certaine questions to demand of him concerning th^t Tob. afores^d Who att that time was Sheriffe of S^t Maries County, when the Tob. was pay^d

Who returnes. Co^ll Will^m Euans along Then M^r p. 9
Speaker demands of Co^ll towards the building of a Prison, Stocks

Co^ll Will^m Euans answers, that into the hands of Will^m Smyth Ordinar to the building of Stocks Pillory & the s^d Smyth for the building of the knows nothing of it. Hee being fore the time for payment

And Will^m Smyth denyes th^t Tob
Speaker than the Vpper would satisfy them
receaued by the Sheriffs, towards the Building
Ducking Stoole here att St. Maries Anō 1664 yea or noe?

Who returning makes report from the L^t Grāll, That nothing was raysed to th^t end, vppon the perticular or generall account eyther for Prison, Stocks or Ducking Stoole here att St. Maries.

And the howse rested satisfyed th^t nothing was receaued or payd to the end afores^d

Then a Member of the howse motions Concerning the appoynting Viewers in each County for the Viewing of Tob. And Vppon debate thereof. That busines throwne out of the howse.

Another Member allso motions Concerning the weight of Tob Cask, w^ch as a Custome the merchant allowes (60^l. or 62^l Tare) & the cask weighs perhaps 100^l or thereabouts, whereby

L. H. Journal original p. 10 the merchant is much damifyed, hee paying for wood: & therefore to putt an equallity in the busines, hee desyres th^t each Cask bee weighed & the merchant to allow but what the Cask weighs, & noe more. Whither a Regulaō as to the Weight of Tob

[*One line missing*]

maior Vote. The Merchant hauing w^ch is not to bee denyed him. those ffowre Gentlemen of the former mmittee tomorrow morning. And. Bills allready agreed on, (Viz^t) & Hogstealers. & then p^rsent the

[*One line missing*]

ning the Exportaōn skins Goate Skins concerning

[*One line missing*]

affirmatiue by the Bill bee prepared & drawne up

The howse adiorned by M^r Speaker 'till tomorrow morning 8 a Clock

Thursday 12^th Aprill 1666 8 a Clock

The howse called, All p^rsent, except Co^ll Nath. Vtye who being thrice called. appeares not.

The Committee yesterday appoynted (viz^t) Cap^t James Neale, M^r Thomas Thorowgood, M^r Nicholas Young & M^r Richard Beard, being called; Orders are gyuen them for the drawing up a new the Act Concerning Hogstealers, both to the penalty of ffine &c: & other punishm^t, as is now debated in the howse. And likewise for the drawing up those other Acts for Outlawries & Coroners.

Who accordingly went uppon their charge

p. 11 M^r Speaker motions, whither it bee not most conuenient That an Act bee prouided, Enioyning all depart the Prouince, to sett up their name County Courts? W^ch though formerly Act prouiding therefore. And

Putt to the Vote Whither such according to the intents now debated

Jn the affirmatiue necess

Then motioned whither restraine the County As to Bills, Bonds & ly to ta those some things

[*One line missing*]

Court. And

Putt to the Vote Whither to cont

Jn the affirmative to continue by the maior Vote.

Then allso motioned, Concerning High Wayes, or Common Roads to bee made, kept & allowed in all Counties of this

Prouince; & Ouerseers appoynted in each County for the well ordering of the same, att the charge of each County. And L. H. Journal original

Voted in the affirmative. w^th^ Prouiso to Except Talbott County & Baltemore County; if uppon mature deliberaõn, it shall bee thought fitt & necessary to Except these Counties

Then as to the breadth of such Roads.

ffiueteene foote Wyde, by the maior Vote.

And further th^t^ the Sheriffe of each County impanell a Jury thereunto authorized by the Leiu^t^ Grãll, to view whither the County haue accomplished all things touching such Roade. As for making Swamps, & heads of Ryuers & Creeks passable.

The Committee returnes & deliuered unto the Speaker a Certaine paper, Wherein was inserted their Consideraõns, uppon the Hogstealers: uppon the Vote Concerning p. 12 Outlawries ning Coroners.

Hogstealers: w^ch^ not being full, in re- stealer haue not sufficient, whereby to that Act: Then that for the first of opd on both eares, & allso for euery to the owner of such hog in the forehead, & serue for eue- afores^d^

w^ch^ something was al-

[*One line missing*]

some few

[*One line missing*]

Slye bee added to the prepare those Three Bills now read according to the debate of the howse now concerning them, into forme. agst after noone

As to th^t^ Act Concerning fferries made the last Assembly

The Judgm^t^ of the whole howse is, that that Act bee totally repealed. & then

The howse adiorned by M^r^ Speaker till 2 a Clock afternoone

Thursday 2 a Clock after noone

The howse called. All p^r^nt Except Co^ll^ Nath. Vtye. as afore

Co^ll^ Will^m^ Euans came from the Vpper howse, Deliuering a Paper to M^r^ Speaker. Concerning the Conference of Indians w^th^ the Vpper howse. The Paper is as followeth.

Heads of the Indian Speech Manataqundt

1 Lett all former idle discourse of the young men on both sides be forgotten.

2^ly^ Hee speaks & undertakes for the & Patux^t^ & for p. 13 all the rest of the. Wittnesses present to promise & desyres to haue noe misunderstanding

3^ly^ Letts haue noe quarrelles then for the Cowes eating the Jn

L. H. Journal original

Jf any Jndian kill an Engli But lett it bee Charact ed by a black or Red

4^{ly} M^{r} Langw hy were deliuered killed by the English:

[*One line missing*]

5^{ly} yo^{r} hoggs & liue, & driue us from place to pl ther: Lett us know where to liue, & how to bee secured for the future from the hoggs & Cattle.

Heads of Chotiques Speeck.

1 Lett all idle fellowes th^{t} carry tales on both sides bee bownd & deliuered on both sides. Jf they cannot proue their Allegaōn, to bee punished.

2 As they treate the English freindly soe lett not the Jndians bee beaten wthout cause, when they come amongst the English. And lett their priueledge of Hunting, ffishing, & Crabbing bee preserved.

3 They desyre to haue the Liberty to send us their Wifes & Children amongst us in case of danger. And that the Englishwill furnish them wth armes & ammunition, & they will endeauour to defend both them & us against the Janedeas &c: And further th^{t} the Gouerno^{r} will bee pleased to fix the place,

p. 14 whither Wifes & Children to, in case of danger, and bring them.

that Kittamaquundt gaue to the English catto- way, & submitt to itt.

atowan's Speech for gamaicks Sonne.

willed th^{t} his poeple should liue yred him to protect them utt them under any Jn- syre to haue their thinke fitt they de- Necutanamo to bee

[*Two lines missing*]

downe the fence made by the Jndians att Nangemy about their Corne. By w^{ch} Eight men haue lost their whole Crop of Corne; for w^{ch} they complaine, & desyred to bee secured for the future.

Vnder w^{ch} Jt followes thus (viz^{t},

Ordered that the heads of the Jndians Speech bee sent to the Lower howse. And th^{t} they bee desyred to bee ready for a Conference wth this howse by three of the Clock this afternoone. Against w^{ch} time they may digest into writing anything they haue to obiect against the perticulars desyred, or the p^{r}sons desyring, who will bee p^{r}sent att the Conference. And doe further order, that the Greate Roome where the Court is kept, bee prepared agst three of the Clock for the Conference of both howses wth the Jndians.

John Gittings Clr.

After the reading of this Paper. Mr Speaker Ordered Willm Caluert Esqr the Messenger to the Vpper howse, & to signify to the Leiut Grāll, That the time according to tht order request was, tht hee would please to appoynt who returnes, Certifying the spe Leiut Grālls pleasure by a messenger sently to Mr Speakers request Mr Baker Brooke came f howse would please to haue confer row morning Nine a Clock And Mr Speaker the Leiut Grāll [*One line missing*] Robt Slye for into The heads of the Jndian

L. H. Journal original p. 15

Mr Speaker appoynted Willm Caluert Esqr to Vpper howse, requesting them to signify what is by certaine words in those proposalls intended (vizt) Black & Red signe. wch this howse doth not well understand. And tht they would please eyther to explaine the same by himselfe, or by a Messenger from their owne howse.

Who returning sayth That the Vpper howse will satisfy this howse according as is requested by their owne Messenger, & would then returne the heads of the proposalls from their howse, hither againe, wch all certifying Mr Speaker that certaine words in those proposalls (as deliuered by the Jnterpretor) themselues are not well knowne, what is intended by them, neyther doe they well understand them, 'till further conference wth the Jnterpretor & Jndians.

Then was read the following Petn

To the honble the Gour & howse of Assembly in Maryland.

The humble of Thomas Allcock. Sheweth

Petn hath had his Wife & Child murthered by of August Anō 1665, & being yett unre- pretence yor Petr knowes not that the Murderers are exequuted the Murderers of Mrs Agatha murdered the day before. And tht the were the sixteene doags tht pretend strange Jndians uppon the to haue recouered of yor Petrs wife to shew themselues to themselues wch our & haue allso recea- English. Since tht Blood cryeth to heauen for uengeance, yor Petr hereby throweth himselfe, together wth the blood of his murdered wife & child att yor feete. Crauing Justice. wch Blood hee humbly beggs of the Just Judge of heauen & earth neuer to remoue from yor soules, nor the soules of yor Childrens Children 'till it bee satisfyed

p. 16

Tho: ⌗ Allcock's marke

L. H. Journal original

Vppon this Pet^n Ordered th^t the Pet^n bee p^rsented to the Vpper howse tomorrow morning, uppon the conference of this howse w^th them. And th^t the Leiu^t Grāll bee requested to demand of the Doage Jndians (who are esteemed to bee murtherers of the Pet^rs Wife & Child according to this Pet^n) or other Jndians deputed for them to giue answere to the Contents of this Pet^n

Signed Will^m Bretton Clk

The former Committe went againe uppon their Charge

M^r Speaker sent the Clk of this howse unto the Office, to
p. 17 fetch the last Assembly's Lower howse Journall. the Clerke of the office went to the Leiu^t Grāll of this howse. who made answere (as hee supposes) as att his howse att for it, & it should bee ready here

Then motioned by M^r Speaker motion made the Last Assembly to the Journal of the Lower howse used. And whither it the better assertay

Jn the affirmative

M^r Edward Lloyd

[*One line missing*]

dians Proposalls understood not. (viz^t

The meaning of the Jndians touching the Black or Red signe signifying Death or Jniury, was th^t they did desyre. That as the English haue Lawes written w^ch they understood, Soe uppon the Agreement^s now to bee made. They doe desyre That they may haue a Stick or some such thing marked w^th a black Character, w^ch they may shew to their poeple, & tell them, That that signifies, that there is a Law made by Agreem^t, That whosoeu^r shall from henceforth kill a man, shall dye for it. And soe for other agreem^ts eyther w^th Red or white Characters.

As to the man alleeged to bee killed. They intended the man killed att the head of Portobacco Creek uppon Co^ll ffowke his Land; about a weeke after the Murther of M^r Langworth's children. ffor w^ch they formerly desyred six score Armes length of Roanoke satisfaction: Protesting w^th all, that they will nott accept of any thing hereafter

John Gittings Clk.

p. 18 w^ch This howse resolue to debate thereon in

[*One line missing*]

red. That Certaine Reasons or Obiec- propo-salls, bee drawne up, & debated as to the ffirst.

Speech to the Vpper howse.

idle discourse as well of English

[*One line missing*]

may bee gyuen all misunderstan- L. H. Journal original
[*One line missing*]
& the English
[*Two lines missing*]
will take into their Consideraō̄n the death of th^t^ Jndian, w^ch^ is killed, as is alleaged, Vppon hearing of the Jndian Euidence, & other Circumstances relating thereto.

5 That wee are willing the Jndians haue a place ascertayn^d^ them where to liue. And th^t^ a mutuall care bee taken Concerning the securing of their Corne ffeilds.

To the second Vppon Cholique his speech.

1 They willingly consent to a freindly Complyance w^th^ the Jndians: That they haue their Priuiledge desyred.

2 They thinke the Leauing of their Wifes & Children w^th^ the English, uppon their goeing to war ag̅st their Enimies to bee uery reasonable. But as to th^t^ of Armes & Ammunition, they leaue to the Consideraō̄n of a Committee of both howses to consider thereof.

3 They should bee glad to understand that the Jndians doe really owne the power gyuen to the English, in the Choyce of the Pascattoway Emperours.

To the Third. Vppon Jsapatowan's p. 19

1 That his request Touching the the confirmaō̄n of that Jndian me more than Reason.

2 That if Emerson haue done throwing downe their ffence as such mulct or penalty impo as the nature of the of

This howse ing haue drawne up th doe iudge it requisi read by M^r^ S Vpper howse,

The Committee into the Bills, (viz^t^, An Act Concerning hogstealers & Concerning Coroners in each County, to this howse's Consideraō̄n

Was read An Act Concerning Hogstealers.

Ordered th^t^ that Act bee amended. That an Addition bee made for the Repealing those other Acts Concerning hogstealers. And another Addition allso, as touching Seruants who shall steale hoggs: And likewise a Clause for recouering the penalties in th^t^ Act by course of Law. As allso touching Accessaries & Abetto^rs^.

Was read An Act Concerning Outlawries once Read
An Act Concerning Coroners &c: once Read
Passed.

Was read the Pet^n^ of Jacob Bremington Touching the killing of one seru^t^ by the Cinigo Jndians, & another seru^t^ wounded.

Jt appearing th^t^ neither of those seruants was press^d^, but

L. H. Journal original only uppo^{n} their Masters Employm^{t} The Vote of the howse is. That the Pet^{r} bee allowed nothing, as to that his demand.

The howse adiorned by M^{r} Speaker 'till to morrow morning 7 a Clock

3th Aprill 1666. 7 a Clock.

p. 20 All present (Co^{ll} Nath. Vtye making

[*One line missing*]

of Co^{ll} Nath. Vtye to shew his rea- this howse, why hee made not his ap- prescribed in the writt to attend

[*One line missing*]

oses That writt for Electing. the Election of the same efore th^{t} time or day in before th^{t} day uppon his according as he was

[*One line missing*]

makes his appearance requested him to digest his reasons in writting, why hee appeared not att the first calling of the Assembly because hee first alleged, That it was noe Lawfull or Legall Election in that County of Baltemore.

Co^{ll} Vtye departed accordingly, & not long after returning againe, p^{r}sents the Speaker wth this ensuing paper.

M^{r} Speaker.

To yo^{u} & the rest of the Worthy Gentlemen of the Lower howse of Assembly. My Declaraō̄n & reasons Why J, th^{t} am of Baltemore County, now returned as a Burgesse am not Legally chosen, are these. Jmp^{r} Att a Court held for Baltemore County uppon the first Twesday in Decemb^{r} The Clerk & Sheriffe being but one Man & soe of necessity must attend the Court; By the way receaued Writts for an Assembly to bee held in ffebruary. w^{ch} writt hee taking wth him to the Court, there being some ffew of the Commissioners, & J thinke as few of the Jnhabitants. Presently the Sheriffe proceeded to

p. 21 make Choyce for Burgesses. Contrary, as I. conceaue, to the intent of the writt, the Lawdable where the ffreemen Jnhabitants ought to nes w^{ch} soe much concernes their soe often declared their disgust of me p^{r}sent it to this hon^{ble} howse satisfaction both to my selfe & th in Baltemore. And sett doune the heads of some greiuance to mee (viz^{t})

M^{r} Rich: Ben

M^{r} ffran: Wrig

Godfrey Bayly, M

of

[*One line missing*]

Vppon reading of wch The Ret to the Sheriffe in Baltemore County, for the Ele urgesses, being produced, & viewed. The Vote of this howse is, That tht Election was Legall, (The other Burgesse for tht County making his appearance uppon tht summons & Election.) L. H. Journal original

Whereuppon Ordered tht Coll Nath: Vtye take his place & seate in the howse, as Burgesse for Baltemore County.

Mr Rich: Beard lycensed by the Speaker to absent for a while

Then Ordered That those other ffowre Gentln (vizt) Capt James Neale, Mr Robt Slye, Mr Nich: Yowng & Mr Tho: Thorowgood, as afore, draw up that Act Touching Hogstealers anew as is gyuen them in charge, & according to debate yesterday

Who went uppon their charge.

Was read An Act Concerning Outlawries. Twice read

An Act Appoynting Coroners
in each County. Twice reade
Passed

Ordered tht the Clerk draw out fayre those two acts now passed.

now debated on & amended, to bee pro- for their Consideraōn & concurrance, olved into a Grand Committee erning the Jndian busines. howse mett againe. ning the buying & exporting goods who eyther Trade hither in sell them againe to the Jnout of the Prouince tht Bill bee drawne, to to buy such goods & the iniury of the whole [*One line missing*] p. 22

Concerning Hog- according to debate & order of the howse Read. Twice Read. Voted in the affirmative. Passd & to be prsented to the Vpper howse.

Putt to the Vote. Whither a Law bee not necessary. Prohibiting Negros, or any other Seruants to keepe piggs, hoggs, or any other sort of Swyne, uppon any pretence whatsoeur Vnlesse imployed by their respectiue Masters or Ouerseers as Swynyards for their Masters only proper use, & behoofe of their sd Masters & noe otherwise. Voted.

In the affirmative. That such a Bill bee drawne

The howse adiorned by the Speaker 'till 2 Clock afternoone

ffriday 2 a Clock after noone

The howse called. All prnt, none excepted.

Mr Speaker ordered Mr Robt Slye the Messenger to prsent these three Bills. Vizt An Act Concerning Hogstealers, An Act Concerning Outlawries, & An Act appoynted Coroners in Each County, to the Vpper howse for their Consideraōn

L. H. Journal original p. 23

Mr Slye returnes. And then
Mr Speaker Appoynts Mr Robt & Mr Willm Coursey a Committee Concerning High Wayes or Roads. & an Act Prohibiting the exportaōn who went uppon their

Then Mr Speaker appoynted Mr Rich: Smyth, Capt James N for the preparing other Jngrossers; An thers, to prmitt the sort of Swyne, &c:

[*One line missing*]

Who alls Mr Speaker motions Whither All orders & motions made in the howse in g or otherwise & other papers & proceedings debated in the Assembly, be preserued & kept entire, for the view of all future Assemblies. Together wth a fayre Coppy of each Assemblies Journall. Wch the Clerk shall deliuer into the Secretaries office wthin two months after the breaking up of each Assembly, uppon penalty of forfeiting his Sallary for tht Assembly, yea or noe?

In the affirmative necessary, & tht a Penalty of 500l Tob ouer & aboue his sallary bee likewise imposed uppon him, in case hee eyther refuse, or otherwise not performe what hee is by that Act enioyned.

In the affirmative to bee digested into an Act

Was Read The Act for the Muster Master Grālls ffee

Vppon Debate Concerning tht Act. Voted in the affirmatiue, That the Act bee amended, As to Negros, Negro Woemen, & Children haue & bee allowed 4l Tob. pr pole uppon p. 24 from sixteene, to sixty yeares, & noe other nes for one howre. againe whither it bee thought necessary hibiting all prsons to barter or leash aliue or dead except Ve- 000l Tob. bee drawne. & prsented these concerning Jn- to keepe swyne &c

[*One line missing*] the Prouince Committee amend some things in the two former as shall bee gyuen them in charge by the howse tomorrow morning.

Mr Robt Slye of the Committee came & presented these three Bills. (Vizt) An Act for High Wayes or Roades. An Act for repeale of the Act for fferries. And An Act Prohibiting the exportaōn of Hydes & other skins.

That Act for Passes &c. being againe read, Voted that that Act, is not thought necessary; ffor tht the Act Jntituled an Act agst ffugitiues doth sufficiently prouide for prsons, who shall depart the Prouince.

Was read those three Bills prsented by Mr Robt Slye

Ordered that these two (Vizt) Concerning High Wayes &c:

& Concerning the exportaõn of Hides &c: bee drawne up fayre by the Clerk agst to morrow morning 7 a Clock. L. H. Journal original

The howse adiorned by Mr Speaker till to morrow morning 7 a Clock

Saturday 24th Aprill 1666. 7 p. 25

The howse called All prnt Except who being called & not appearing. a Contempt by the whole howse. A Member bee fyned in 400li Tob.

Coll Nath: Vtye allso for his the beginning of the Assembly s the first day of meeting of the Assembly weather in a Capacity sent. yett hee goeing out of the Prouince

Jn the affirmatiue

Ordered tht the

[*One line missing*]

was read

Jn the Negatiue not to pass

Then a Member motions tht another Bill not for High Wayes, but only for the marking a way or path & making heads of Riuers, Creeks, & Swamps passable.

And putt. to the Vote. Whither this last motion bee iudged necessary or not?

Jn the affirmatiue by the Maior Vote

Mr Speaker ordered Mr Robt Slye, Mr Robt Burle, & Mr Willm Coursey, tht they prfect that Act Concerning Hides & other skins wth an Addition as to prohibite the export of Leather

Who went uppon their Charge.

Ordered tht a Committee att the meeting of the howse on Munday morning next bee appoynted to draw up ffowre Bills (vizt) An Act for Recording of all proceedings in the Assembly, in a fayre Journall, to bee putt into the Secretaries office, to the view of all future Assemblies. An Act for Regulating Grālls ffee. An Act prohibiting all prsons Indians p. 26 for any fleash, eyther aliue or An Act for marking out a Com- Trees, & making all heads of Ry- able for horse or foote, if possibly. bee thought necessary that a of And where they find another, or haue any unne- make report of the same. if the howse soe thinke

[*Two lines missing*]

& prsents that Bill

[*One line missing*]

Prohibiting the Exportaõn of Hydes &c

In the affirmatiue, to passe

L. H. Journal original

The 1st Act Read againe, & ordered to bee somewhat amended. And

ffurther Ordered that the Clerk of this howse this afternoone draw up the fores^d Bill anew, as is now debated, & gyuen him in Charge by the howse. & p^r^sent the same to this howse on Munday Morning next.

The howse adiorned by M^r^ Speaker 'till Munday morning next 8 a Clock.

Munday 16^th^ Aprill 1666. 8 a Clock.

The howse Called. All present

Was read An Act Concerning the exportaō of Hydes & other skins.

Ordered th^t^ the 1^st^ Act bee againe reuised & amended.

Was Read the Pet.^n^ of Will^m^ Galloway for Boate hyre &c:

p. 27 And the Pet^n^ of Henry Ward for payre of Stockins.

And the Pet^n^ of Philip Tho- time of his voyage, the last Indian

And the Pet^n^ of the Inhab^ts^ of uisions press^d^ uppon that Island

That whereas there haue more County, Anarundell County drie some p^r^sons in those Counties March, in provisions, Boate hyre ged, are not yett

Ordered th^t^ the of those

[*One line missing*]

cell for their Con- red to take such further order therein

Not only respecting those forementioned Counties, but every respectiue Count in the Prouince.

Will^m^ Bretton Clk.

Ordered th^t^ the Clerk. (when the howse adiornes att dinner) draw up this last order fayre, to bee presented to the Upper howse.

Will^m^ Calvert Esqr, Cap^t^ James Neale, & Maio^r^ Tho: Brooke Lycensed by the speaker, to absent the howse for one howre.

M^r^ Speaker appoynted Co^ll^ Nath: Vtye, M^r^ Rich: Smyth, M^r^ Thomas Thorowgood, & M^r^ Will^m^ Coursey bee a Committee, for the drawing up in forme those ffowre Acts or Bills, according to the Order on Saturday last. And to amend th^t^ Act Concerning the Exportaōn of Hydes &c: & an Act Concerning Ingrossers, & an Act Prohibiting all Seruants to keepe swyne

Who accordingly went uppon their Charge.

Then the howse tooke the Indian Busines into their Consideraōn & debate.

Will^m Calvert Esqr, Cap^t James Neale, & Maio^r Tho: Brooke returne againe into the howse. Then L. H. Journal original

The howse adiorned by M^r Speaker 'till 1 Clock afternoone.

1 a Clock afternoone p. 28

All p^rsent Except those ffowre of the Committee

the forenoone being read, Concerning Counties, & signed by the Clerk.

Maio^r Thomas Brooke the Messenger to for their perusall. And w^th all re- tention concerning that busines to

[*One line missing*]

the Speaker. That the Governo^r was not Chancelo^r That they would Con- they would returne

[*One line missing*]

howse desyring of M^r Spea-

[*Two lines missing*]

notifyed him, that this howse is ready when they shall please for them, both as to time & place.

M^r Speaker motions the howse, whither they Judge it necessary. That the Governo^r & Councell bee impowred for the space of two yeares, for the rayseing of Men, Ammunition, Victuall, & other necessary accomodation for those men soe raysed, if occasion shall requyre, not only for the making of a War out of the Prouince but allso for the Concluding of a Peace, w^th our Neighbouring Indians, or other forreigne Indians. Yea or noe. And Voted

In the affirmatiue Necessary.

Then M^r Speaker requested M^r Nicholas Young to goe, & signify to the Vpper howse. That this howse are ready to attend them.

And thereuppon the Vpper howse came into this howse & Resolued both howses into a Grand Committee.

Where the Chancelo^r declares certaine Reasons Concerning the Indians, as to the setling & Concluding a Peace w^th them, & Confirmaō of Certaine Articles to that end.

And it was Resolved by that Grand Committee That Both p. 29 howses respectiuely to morrow morning tee of certaine Members of each howse Articles.

The howse is retyred.

Ordered that these two Bills by M^r Will^m Coursey (Viz^t) An of Hydes &c: And An Act Pro- Read. Was Read An Act Pro-

That Act Read againe

Was Read An Act. Prohibiting

That Act was read

L. H. Journal original

Mr Speaker req- two for-
The Com Prohibiting imploying

Capt James Neale the Messenger ret- ker tht he had prsented those two Bills to the Upper howse, Saying tht after their Consideraōn of the same, they would returne their answere.

Was read An Act Prohibiting imploying Indians &c:
That Act read againe. Twice read. Passed by all.

Mr Speaker ordered Maio Thomas Brooke the Messenger to prsent that former Bill to the Upper howse for their Consideraōn.

Who returnes, & certifyed Mr Speaker That they will take tht Bill, into their consideraōn, as is desyred.

Then Mr Speaker proposeth That this howse will consider how many Members may bee thought requisite to Joyne wth the Upper howse in Committee, for drawing up those Articles wch Concerne the Indians.

Six Members to bee appoynted, & nominated. And

Mr Speaker Ordered these Six Members (Vizt) Mr Richard Preston, Mr Zachary Wade, Mr Robt Slye, Willm Caluert Esqr.

p. 30 Mr Richard Beard to attend the Upper howse Articles, when thereunto requyred. All to, by this howse.

from the Committee & prsented a Bill the Journall of the Lower howse of Assembly.

[*One line missing*]

Twice Read & passed by all.

Maior Thomas Brooke to prsent the their Consideraōn.

the Speaker tht he had prsented tht Cha up by Mr Speaker to -led. An Act-

[*One line missing*]

Prohibiting Trade wth Indians.
againe. Twice Read, & Passed by all.

Mr Speaker Ordered Capt James Neale the Messenger to prsent the foresd Bill, to the Upper howse's Consideraōn.

Ordered that Jonathan Marlour have creditt wth William Smyth for five hundd pownds of Tob. uppon the publike account of this Prouince, for his goeing for John Shanks Interpretr.

The howse adiorned by Mr Speaker till to morrow morning 7 a Clock.

Twesday 17th Aprill 1666. 7 a Clock.

The howse called all prsent (Except M Rich Smyth, & Col Nath: Vtye)

Mr Speaker ordered those ffowre Gentlemen of the Committee to goe & consider amongst themselues for the preparing & drawing vp those Bills, they have allready in Charge. L. H. Journal original

Then motions the Howse Concerning a Magazine to bee kept in Every County, for the Security of each sion of Indians, or otherwise. And whither yea or noe? p. 31

In the affirmative necessary

Then as to the Proportion, of ments of War. Nothing

The Committee Came into ued Concerning the drawing up An Master Grālls ffee, as ter debate (as drawing up the Negro Woemen, Children &c former Act, though not in Charge,

The howse der & shott &c: And

Voted necessary that there bee 14 of shott or Lead. 140 Musketts high Calyuer Boare. 140 Cuttlaxes & Belts. 50 Carbynes for horsmen, 2 doz. Bullett moulds high Calyuer boare & 2 doz of Carbyne bullett moulds to bee equally distributed into the seuerall Counties of this Prouince, when purchased, To remaine there, in the Charge & Custody of such prson or prsons, as the Leiut Grāll of this Prouince shall nominate & appoynt, for a publike Magazine for each County.

Ordered tht this proposn be drawne out, & prsented to the Vpper howse att their next Conuention. And tht they bee desyred to consider thereof: as allso how the same may bee procured, eyther to bee sent for this next ensuing shipping from England hither, or otherwise. And tht they would please to signify to this howse their Consideraōn & aduise thereon.

Wm Bretton Clk

Willm Calvert Esqr, Capt. James Neale, & Maior Tho: Brooke are Lycensed by the Speaker to absent for an howre.

The howse adiornes for halfe an howre

againe (Willm Caluert Esqr & the other two prnt) p. 32

the Committee came & prsented a Bill the Muster Master Grālls ffee. -tting the Muster Master &c: what amended by all.

Caluert Esqr the Messenger to prsent Magazine in each County & that Bill Master Grālls ffee, to the Upper howse

[*One line missing*]

they will giue their answere enience.

a Clock.

[*One line missing*]

afternoone.

L. H. Journal original

howse p^rsent (Except those ffowre of the Committee)

M^r Henry Coursey came from the Vpper howse and signifyed to the Speaker th^t the Leiu^t Grāll desyred That this howse would appoynt & nominate certaine Members of this howse to debate w^th the Vpper howse in a Committee Touching the Indian busines.

M^r Speaker answered That this howse was ready to attend, if the Leiu^t Grāll please to appoynt time & place.

M^r Henry Coursey returnes, & certifies the Speaker, That the office Chamber should bee the place for their meeting.

Then Ordered that the Members here undernominated repayre to the Office Chamber, & there Joyne themselves w^th those Members of the Vpper howse appoynted by the Leiu^t Grāll for the settling of the Indian busines, yesterday agreed uppon by a Grand Committee of both howses. That is to say, M^r Richard Preston, Will^m Caluert Esqr, Cap^t James Neale, M^r Robert Slye, M^r Richard Beard, and M^r Zachary Wade.

This Order drawne out fayre, was declared to the fores^d Members by order of the Speaker, & whole house, & signed.

Will^m Bretton Clk

P. 33

M^r Baker Brooke came from the Vpper howse taine paper to this howse in these words

The Vpper howse doe thinke th^t of Lead, 140 snaphance Musketts Bullett moulds, the Cuttlaxes & beprouided as a Magazine to bee from the Lower howse is propownded now for the 1^st proportion of Arm- Brooke. To bee pay^d by the price currant. And th^t the s^d Char- ditt from the Gouernor & Spea tule, to procure the s^d quant-

And in

[*One line missing*]

Letter of Creditt passage.

The Committee for preparing & drawing up of Bills, by M^r Speaker's order being sent for, make their appearance in the howse

And uppon Returne of the Committee afores^d, That paper being againe read in the howse & debated, Touching the Magazine.

The Lower howse doe Judge it more proper th^t the Leiu^t Grāll & Councell draw the Letters of Credence, for Mr. Charles Brooke, for the procuring the Armes & ammunition proposed, according to the answere of the Vpper howse. And that then the Gou^r, and Speaker signe them in the behalfe of the whole Province.

Will^m Bretton Clk.

Mr Speaker Ordered Mr Richard Smyth the Messenger to present the same to the Vpper howse. L. H. Journal original

Who returnes. Certifying Mr Speaker that they will consider thereof.

Maior Thomas Brooke hath leaue from the Speaker to absent for a while. Who soone after returnes againe to the howse.

Committee returnes to their Charge. adiornes for halfe an howre. mett againe. Committee came, & prsented a Bill, In- high wayes, & making heades of & swamps passable for horse & foote. p. 34

[*One line missing*]

Twice read. Passed by all. prouiding a Magazine made the the reading of wch Act to-morrow morning, after the the Vpper howse requesting to signify to this howse an meeting of the Last Providing a Magazine) was as is enioyned by that Act.

Ordered allso that the Clerke transcribe this Order from his Journall, to bee prsented to the howse to morrow morning

The howse adiorned by the Speaker till to morrow morning 7 a Clock.

Wednesday 18th Aprill 1666. 7 a Clock.

The howse called All prsent (Except those six members of the Committee Concerning the Indian busines)

Mr Speaker appoynted Coll Nath Vtye the Messenger to present to the Vpper howse the Order drawne up, Concerning an Account of the Tob. Leauyed, Touching the Magazine made last Assembly. And an Act for the marking high wayes, & making heads of Ryvers &c: passable for horse & foote.

Who returnes, & Certifies that they will take the Bill into their Consideraōn, & returne answere as to the Magazine imediately.

Mr Thomas Trueman Came from the Vpper p. 35

Mr Speaker wth the Leiut Grālls Account

The honble Charles Calvrt Esqr debr

Anº 1664.

To 14000lb Tob. deposited in my hands for the purchasing Ammunition & Gunns for the Countrys use	14000lb

[*Eight lines missing*]

This howse doth allow of that Account from the Govr the 1400 Armes length of Roanoke Vizt—5600lb Tob.

L. H. Journal original

Then the howse doe humbly request, whither or noe th^t the 240^l powder, mentioned on the Creditt of this account, bee as yett disposed of, for the publike use, or whither yett undisposed of & where deposited. And th^t the Leiu^t Grāll would please to certify the needfvll in this request unto this howse. As likewise whither the powder were bought this yeare, or last yeare.

Will^m Bretton Clk

Motioned in the howse whither it bee thought necessary, that an Act bee prepared & drawne up Concerning the Clerks ffees of each perticular County Court.

In the affirmatiue Necessary.

Then. That the Committee bee instructed to view the seuerall Act, Concerning the Secretaries ffees of this Province in relaōn thereunto. And that they bee likewise instructed

p. 36 in that Act, when soe drawne up, restrayning of each County, that they take noe benifitt Secretaries ffees heretofore made - And th^t the Governo^r & Councell examine all manner of Com- respectiue Clerke of each County. And be proued eyther as to punish- them, if to them shall seeme most

[*One line missing*]

prepare all Votes agreed on w^ch are not yett debated by to the Committee to bee

[*One line missing*]

thought necessary Prohibiting all Commis^rs Clerks, & Sheriffs to plead as attorneys, in their owne respectiue County Courts; But only as in relaōn to their owne Cases, uppon the Penalty of Three Thows^d pownds of Tob. yea or noe?

In the affirmatiue. Necessary.

The howse adiorned by the Speaker 'till 2 a Clock afternoone.

Wednesday 2 a Clock afternoone.

The howse Called. All p^rsent. (Except those six Members of the Committee.)

M^r Speaker Ordered M^r Will^m Coursey the Messenger p^rsent this howses request, Concerning the powder in the Leiu^t Grālls account, to the Vpper howse.

Who returnes, Certifying the Speaker, That the Chancelo^r will presently carry that paper to the Leiu^t Grāll, & returne againe, w^th the same, & bring this howse his answere thereto.

Then M^r Speaker Ordered & appoynted Co^ll Nath: Vtye M^r Richard Smyth & M^r Thomas Thorowgood of a Committee to

p. 37 receaue into their Charge, what this for their Consideraōn

& make report the sitting of the howse to morrow morning L. H. Journal original

Mr Speaker motions the howse bene diuers delays & remisnes times. Hee therefore desyred the find any Expedient for the recti- surveys, not only for the If they iudge it necessary, or how it may bee done.

Voted In the affirmative

Then Ordered that

[*One line missing*]

for their Consideraōn all Land rownd in future Survey may not bee necessary That all deputy Surveys in the respectiue Counties wthin this Prouince for the time to come bee not obliged to take an Oath, & giue security for their due prformance of their office in their respectiue Limitaōns, att their first entring into their office? Whither it may not bee necessary That uppon the discovery of all false & feigned Surueyes & Collusions in the respective Surveyors that a greate ffine or penalty bee imposed in such cases? And Likewise satisfaction gyuen to the party iniured thereby. ffurther Ordered that this motion & order bee immediately prsented as aboue. And tht they bee hereby requested to consider & debate thereon. And returne their Result uppon the same to this howse in conuenient time.

Willm Bretton Clk.

Mr Henry Coursey the Messenger from the Vpper howse presents this paper in answere to the Request of this howse aboue mentioned. (Vizt)

That this howse doth certify the Lower howse p. 38 mentioned in the account sent to the Lower tht it is now ready in his hands for

John Gittings Clk.

Yowng the Messenger appoynted for the the thanks to the Leiut Grāll for request as touching the account

[*One line missing*]

Certifyes Mr Speaker, That this their Journall.

appoynted to goe to the Vpper -ing for this howses Consi-

[*One line missing*]

they haue nothing consideraōn.

A member of this howse motions, & desyres, it may bee considered & debated in this howse, Whither the tendring of Tob. to Merchants & others by the Planter bee not necessary to bee debated: & some way concluded thereon, in relaōn thereunto.

In the Negative by the Maior Vote.

L. H. Journal original

A Member of the howse informes the Speaker that Mr Bretton Clerk of the Assembly did reuyle Mr Robt Burle, calling him ffactious fellow. Vppon a Motion wch the sd Burle made in this howse, Concerning the settling of Ministers in Every County of this Province. The wch was attested by Mr Willm Coursey, one of the Members of this howse.

Vppon wch Informaōn the howse tooke itt into their Consideraōn, And vppon Mr Brettons humble submission to this howse, & tht perticular Member, & his humble request that this howse would please att this time to remitt the sd offence. The wch hee hereby acknowledges hee is guilty of. And that
p. 39 hee did not speake or utter those words out of any abusiue intent, But sioned through some distemper att that

Vppon wch humble request & fitt to remitt the sd offence, uppon hi- attempt the like during this Assembly

The howse adiorned by Mr Speaker morning 7 a Clock

Thursday 19th Aprill

The howse called. All prsent is excused by sicknes

Ordered that bee a Committee Thomas Thorowgood That is to say The Veiwing of the impowring the Gouernor & Councell for two eyther Concerning War or peace. An Act Concerning the Clerks ffees in each respectiue County Court. & An Act Prohibiting Commisrs &c: to plead as Attorneys.

Ordered that Coll Nath: Vtye bee exempted from the Committee (uppon his request to the Speaker) & in his steed, tht Mr Robt Slye, & Mr Willm Coursey bee ioyned to those two members abovesd

The Committee went uppon their Charge.

Vppon motion made Whither it bee thought necessary That an Act bee drawne up Prohibiting all sheriffs, to exercise the office of Clerk during their Sheriffalty: & Clerk the office of sheriffe or Vndersheriffe in all County Courts, during their time of being Clerk?

In the affirmative Necessary.

Mr Thomas Trueman came from the Vpper howse, & prsented an Order from that howse as followeth (Vizt)

Ordered that the seuerall Bills Concerning outlawry, Appoynting Coroners, Keeping Journall of the Lower howse, for
p. 40 marking high -ding wth Indians for any fleash dead or aliue &c: Lower howse, & that they bee desyred to putt them send them to this howse againe

John Gittings Clr.

Ordered to bee read. L. H. Journal original
Concerning Outlawry. Thrice Read Engrosm^t
Thrice read. Engrosm^t
with Indians for or aliue &c: Thrice read
to Engrosm^t
high Wayes. Thrice read Engrosm^t
Journall of the howse of Assembly. Thrice read.
Passe to Engrosm^t

M^r Speaker appoynted Maio^r Thomas Brooke to present those ffiue Acts now passed this howse, to the Vpper howse

Who returnes & Certifyes the Speaker th^t he hath deliuered them.

Was read the Pet^n of Will^m Smyth, Concerning his undertaking of Building a Country howse at S^t Maries the last Assembly.

Was read that Act Concerning Will^m Smyth made last Assembly. (Will^m Smyth being sent for into the howse.)

Chancelor Came from the Vpper howse Requesting that this howse will speedily ioyne w^th the Upper howse in a Grand Committee Concerning the Indian busines, soe to settle that busines in regard the Governo^rs indisposition will not permitt him to stay long w^th the howses of Assembly.

M^r Speaker answers, That this howse will make their answere immediately.

The Committee sent for downe to attend the howse.

Then M^r Speaker appoynted Maio^r Thomas senger, p. 41
to goe, & acquaint the Vpper howse dy to attend, when they shall appoynt

Who returnes & certifies the will immediately giue notice to

The Pet^n of Will^m Smyth on in the afternoone.

The howse adiornes for a to bee discussed & debated in the the whole howse departed to

The howse mett againe 'till 2 a Clock

Thursday 2

The howse called All p^rsent is excused by sicknes, & those ffowre Members

Will^m Smyth is sent for to this howse, according to the order in the forenoone, as Touching his Pet^n for building &c:

The howse tooke the same into debate.

M^r Henry Coursey came from the Vpper howse, & presents to M^r Speaker a Bill now drawne up by them Entituled An Act ag^st hogstealers.

Was read that fores^d Act Concerning hogstealers.

This howse requests th^t the Vpper howse will please to reas-

L. H. Journal original sume their debate anew Concerning the Act Prohibiting the Imploying Indians, as allso Prohibiting all Masters for suffering their seruants to keepe or rayse any hoggs or piggs to their proper use in this Prouince They thinking it very needfull that that Act should passe.

Will^m^ Bretton Clk

Vppon the Reading of the Act agst hogstealers this howse obserues there is not in the Paragraphs expressing the first & second offence of hogstealers, the satisfaction prouided to the
p. 42 Owner of as was by this howse intended to bee prouided, would proue very iniurious to the Owners of aine end for w^ch^ that Act was intended Vpper howses further debate thereon, reasons, why those fines prouided howse, & sent to the Vpper howse may not

Will^m^ Bretton Clk

ame from the Vpper howse & delivered That is to say.)

Concerning Pet^ns^ from Balte- &c: Aprill last on the

[*One line missing*]

The Vpper

[*One line missing*]

of Hydes &c: & all other w^ch^ was thus underwritt.

This howse doth iudge this Act as yett inconuenient 'till such time are there bee sufficient number of Tanners, Curryers, & shoomakers to Tan & worke up the hydes of the Prouince. And by consequence keepe meny hundred of shooes from being imported.

John Gittings Clr.

An Act prohibiting fforreigne Ingrossers. Thus underwritt.

The Vpper howse doe Judge That this Act may cause a Contest betweene the Colony of Virginia & us, about puchasing goods in Patowmeck Riuer from ships ryding on eyther side. Hauing hitherto indifferently traded for supplying Our respectiue necessities. Besides th^t^ it can neuer well be proued th^t^ the very individuall goods bought from any Merchant are those same hee sells att excessiue rates.

John Gittings Clr

As allso the Pet^n^ of Robert Clerke pressed uppon the last Indian designe being out Eleauen weekes on that designe.
p. 43 In Order thereunto the Vpper howse have thought fitt That the Commis^rs^ of S^t^ Maries County satisfaction.

And the Lower howse haue

The Lower howse doe concurre L. H. Journal original
As to the order Touching the P & Kent Counties.
The Vpper howse are hereby sall & advise in their Journall, & as is requested.

This howse requests th^t the Vpper sume their debate Concerning Prohibiting the Exportaō of Hydes fforreigne those Two Acts should

Ordered th^t a Messenger bee Vpper howse, desyring them to draw up M^r Charles Brooke, in order to the procuring the Magazine in England to bee sent in next shipping. And that they would prepare a Bill for the paym^t thereof att arryuall.

M^r Thomas Thorowgood of the Committee p^rsented the howse w^th these three Bills (Viz^t) An Act prohibiting Commis^rs, sherriffs & Clerks to plead as Attorneis. An Act impowring the Governo^r & Councell to make War or peace w^th any Indian Enimy out of the Province & An Act for the Clerks ffees & allowance for Juro^rs in Ciuill Causes.

Ordered th^t the ffirst & second of those Bills, bee read, & taken in debate to morrow morning

The howse adiorned by M^r Speaker 'till to morrow morning 8 a Clock.

ffriday 20^th Aprill 1666. 8 a Clock.

The howse Called all present Except those ffowre Members
M^r Richard Preston, who is excused by sick- upon p. 44
Liberty from M^r Speaker & the whole more attendance in the howse bly.

resent that their proposalls generall good of this Prouince uppon ther, bee thus scrible scrawld, & ob-
this proposall. And therefore they standing in such cases betweene that the p^rsentm^t of this howse
howse, & th^t they would please satisfaction, as in such cases Will^m Bretton Clk

Ordered by M^r Spea- Vpper howse.
Who returnes & Certifies, th^t hee did p^rsent the same according to his Order from this howse.

Co^ll Will^m Euans Came from the Vpper howse & p^rsented the Speaker w^th a Pet^n of Cap^t James Neale to the R^t hon^ble the L^d Proprietary of Mary Land, Threin praying this howses assent to the Naturalization of his Children in th^t Pet^n mentioned.

Was read the s^d Pet^n of Cap^t James Neale.

To the Right Hon^ble the Lord Proprietary of Maryland Liber W H & L
The humble Peticōn of Cap^n James Neale p. 33

Humbly Sheweth Whereas your Peticoner hath lived divers yeares in Spain and Portugall following the trade of Marchan-

Liber W H & L

dize and likewise was there imployed by his Majesty of great Brittaine and his Royall highnesse the Duke of Yorke in Severall Emergent Affaires as by the Comissions herewith presented may appeare, dureing which tyme of his abode in those partes he had four Children borne by his Lawfull wife Anna Neale viz^{t} Henieretta Maria Janees Dorothy & Anthony Neale which four he hath now liveing in this Province of Maryland wherefore your peticoner most humbly prayeth your Lordship that itt may be ordeined Enacted and Established by your Honnor your Honourable Councell of State and the Comōns of this present Assembly and by the Authority of the same your peticoners Children and every of them shall from henceforth be adjudged reputed and taken to be your Honn^{rs} Natureall people and as persons Natureally & Lawfully borne within this your Province of Maryland And alsoe that they and every of them shall and may from henceforth by the same Authority be enabled and adjudged able to all intents and Construccons to demand Challenge aske have hold and enjoy lands tenements & hereditaments and Rents as heir or heirs to any of their Ancestors by reason of any discent Remayne or come to them or any of them by any other Lawfull Conveyance or meanes whatsoever or which hereafter shall come &^{ca} As if they and every of them had been your Lordships natureall people borne and to hold and enjoy to them and every of them Ioyntly and severally lands tenements & hereditaments or Rents by way of purchase gift grant or otherwise of any person or persons to all Construccōns and purposes as though they and every of them had been your Lordships Natureall borne people And alsoe that they and every of them from henceforth may and shall be Enabled to prosecute maintaine and avow Iustifie and defend all manner of Accōns suites Plaintes and other demands whatsoever as liberally frankly fully Lawfully Surely and freely as if they and any of them had been Natureally borne within this Province of Maryland and as any other person Natureally borne within the same may in any wise Lawfully doe any act law statute provisoe Custome ordinance or other thing whatsoever had made ordeined or done to the Contrary in any wise notwithstanding

And your peticoner shall ever pray as in duty &^{ca}

L. H. Journal 1666 p. 44

Vnder w^{ch} is thus written.

Lett this bee sent to the Lower howse for their Consent.

John Gittings Clr.

The Lower howse wthout any further Consideraōn doe willingly comply & consent th^{t} the Pet^{rs} Prayer may bee graunted.

Will^{m} Bretton Clk

Mr Speaker requested Maior Thomas Brooke to prsent tht Petn of Capt James Neale afores^d to the Vpper howse. L. H. Journal 1666

Capt James Neale the Messenger to the Vpper howse to signify. That this howse requests the Vpper howse to giue their answere to our Remonstrance drawne on the backside of the Bill concerning p. 45

Who returnes certifying the Speaker ing up the same, & will then present

The howse adiornes for

The howse mett againe ton as afore, Willm Caluert Esqr, & those

Mr Thomas Trueman came a paper to Mr Speaker, request in blotting & scribling the ning hog-stealers. Wch is in the

The Vpper howse did not the Lower howse, without the Cle exspected by paper scribled & scrawld owne fayre written, mon inflicting Corporall & pecuniary punishmt att on offence, according to the best example of the Lawes of England. Though 'tis true that when a member of tht howse desyred the scribled paper, it was deliuered him, but not as remanded by this howse.

John Gittings Clr

Ordered that Capt James Neale present these ffiue ensuing prticulars to the Vpper howse. & to Certify them that this howse will consider of the returne of the Vpper howses answere to the Remonstrance uppon the blotting & blurring of this howses proposalls to them. The perticulars are as followeth. (Vizt) the Petn of Robert Clerk, the Petn of Willm Smyth. The Request of this howse, as Touching the pressing of goods, & other necessary accomodaõn Concerning the last Indian March. & as touching their Reassumption of debate about Prohibiting Hydes &c: & Ingrossing of fforreigners. And the Act Prohibiting the imploying of Indians.

This Last Bill Concerning imploying Indians &c: is thus Endorsed. (Vizt) It is ordinary for the English to giue one halfe illing, & bringing the other halfe to the Owner p. 46 fore by this Act wee prohibite the only the cheapest & nearest way. And Act ãgst hogstealers & subiected the nishmt that an Englishman is reason to prohibite the imploying Englishman. allowing seruants to rayse Euery Master not to doe it, if not and. And diuers Masters being ob- to rayse hoggs agst they are to passe this Law. & in

Gittings Clr.

L. H. Journal 1666

returnes & Certifyes Mr Speaker ffiue prticulars: & allso gyuen him in Charge, touching the Vpper howses answere afores[d]

The howse adiorned by Mr Speaker till 2 a Clock after noone.

ffriday 2 a Clock after noone.

The howse called all present (Except those ffowre Members of the Committee, & Mr Richard Preston as afore.

Mr Edward Lloyd came from the Vpper howse Certifying Mr Speaker th[t] the Leiu[t] Grāll & Councell are intended to read ouer & Conclude the Articles agreed on w[th] the Indians. And whither this howse please to bee all there, or appoynt some Certaine prticular Members only, to ioyne w[th] the Vpper howse for the dispatch of that busines, yea or noe?

Mr Speaker made answere That the whole howse were ready to giue their attendance when ever the Leiu[t] Grāll should signify soe much to them.

Co[ll] Will[m] Euans instantly thereuppon came & certifyed Mr Speaker, th[t] the Leiu[t] Grāll is now ready desyring their assistance & prsence

p. 47 And then the whole howse departed to

After some space This howse ret

Mr Speaker brought downe w[th] him the Confirmation of the Articles of ring date this day, w[ch] was assented Vpper howse & signed or attested by

Ordered that That Act bee ring this howses full Consent done by Maior Thomas Brooke

Co[l] Gerard ffowke tique Jndian, directed to the R & the rest of the Assembly Whe the heads of the there to requyres some grat

Chancelor came from the Vpper the speaker That now hauing concluded a peace w[th] Our Jndians The Leiu[t] Grāll requests this howse to take some speedy way, th[t] some course bee taken & thought on for the repressing of the forreigne Jndians our Enimies: ffor that by any Law yett in force hee cannott compell one Jnhab[t] one foote out of the Province.

Mr Speaker certifyed him That this howse had prepared & drawne up a Bill for that end: w[ch] would presently come to bee debated on, in this howse.

Mr Baker Brooke came & presented a Pet[n] of Mr John Nutthalls, desyring satisfaction, for his entertayning of the Jndians this fortnight.

Vnder w[ch] Pet[n] is thus.

Lett this Petn bee sent to the Lower howse, & that the members of that howse take the same into their Consideraōn. L. H. Journal 1666

John Gittings Clr.

Mr Speaker Ordered Mr Zachary Wade to present the motion of this howse yesterday Concluded on, uppon the reading the Act Concerning Hogstealers.

Who Returning, Certifyed Mr Speaker. That they would this howses request. Act impowring the Governor p. 48 & Councell to ace, &c: Once read & amended.

from the Vpper howse, & presented

[*One line missing*]

Act impowring the Govr & Councell & to prsentmt by the Maior Vote. Coll Nath: Vtye, Willm Caluert Esqr ent this Act now read, & passed their Consideraōn. Certifyes the Speaker tht the Leiut care, where the powder now And howse an howre. mett againe All prsent (Except as afore)

Mr Speaker appoynted Maior Thomas Brooke the Messenger to present that Order yesterday drawne up (Concerning the Credentiall Letters for Mr Charles Brooke) to the Vpper howse.

Mr Thomas Trueman came from the Vpper howse & prsented a paper to the speaker in answere of tht Order, in drawing up Letters of Credence for Mr Charles Brooke for purchasing a Magazine.

Mr Thomas Trueman Came againe & prsented other papers to the Speaker. Vizt an answere to this howses request Concerning the prohibiting & imploying Jndians &c: & To that other Concerning hogstealers.

Jn answere as Touching the Credentiall Letters.

Ordered tht the Vpper howse draw up the Credentiall Letters generally, to all persons trading into these parts, as the most proper meanes for procuring a Magazine.

Jn answere to tht of hogstealers is Thus.

Lett there bee added a Clause of payment of double dammages to the owner of the hoggs, for euery & second p. 49 offence only, & this howse the other fines they thinke to grea punishmt

To that of Prohibiting im

The Vpper howse haue signifyed verall Messengers.

The howse adiorned by
to morrow morning

Saturday 21th Aprill

The howse called. All those
Was read An Act in Civill Causes.

L. H. Journal 1666

Mr Baker Brooke a Messenger from the Vpper howse prsented Two Bills. (Vizt) An Act impowring the Gouernor & Councell to make War &c: & an Explanaõn of the Muster Master Grālls ffee.

The ffores[d] Act Concerning the Clerks ffees &c: read againe

Twice read. Passed by all. To Presentm[t]

Was read. An Act Prohibiting Commis[rs], Sheriffs, & Clerks to plead, as Attorneys. &c:

That Act read againe. Twice Read. Passed by all to Presentm[t]

Mr Speaker Ordered Will[m] Caluert Esqr the Messenger to prsent those Two Bills now read, to the Vpper howse for their Consideraõn: & likewise these other Two (Viz[t])

An Act impowring the Gouernor & Councell to make War &c:

Thrice read. And

An Explanaõn of the Muster Master Grālls ffee.

Thrice Read, & both Passed to Engrosm[t]

Mr Baker Brooke a Messenger from the Vpper howse
p. 50 prsents Prohibiting Commis[rs] Sheriffs &c: to plead as Attorneys forreigne Engrossers, &

Exportaõn of all Hydes & other skins returned Endorsed.

sumed the debate of the Bill prohibi- &c: & doe iudge it inconuenient in not possible to haue the hydes of the 'till haue more workemen Neyther are there men to bee putt up a Tanyard uppon the bare try ch pe.

Euery Indian can dresse them Nothing. This howse will con-

[*One line missing*]

John Gittings Clr.

Was read ing Commis[rs] &c: to plead as Attorneys.

Thrice Read & Passe to Engrosm[t]

Was read An Act prohibiting fforreigne Ingrosses. now amended

Thrice read. & Passe to Engrosm[t]

Was read An Act for Repeale of a Branch of the Secretaries ffees. (Viz[t] Twelue pence per pole)

That Act read againe. Twice read, & passe by Maior Vote

Was read the Pet[n] of John Lawson High Sheriffe for the Jmprisonm[t] of Jacob a Negro, & Two Indians both exequted att S[t] Maries. His account is as followeth.

To 2 dayes imprisonm^{t} the Negro wth dyett	060	L. H. Journal 1666
To a man to watch him 2 dayes & 1 night	040	
To the s^{d} man for his dyett & paynes	070	
To Graue making & other expences	095	
To the Exequuting the s^{d} 3 persons	800	
	1065	

Ordered that M^{r} John Lawson high Sheriffe of S^{t} Maries County bee allowed one Thows^{d} Tob, to bee payd him out of the publi account abovs^{d} p. 51

The howse adiorned by the morning next 7 a

Munday 23th Aprill

The howse called all p^{r}sent as Preston, & M^{r} Nicholas

The howse tooke into ning hogstealers.
M^{r} Will^{m} Coursey hath for an howre.
And Co^{l} Nath:

The Lower howse hauing last an of the Lower howse to th^{t} Act Concerning dowble dammages will not bee soe proper, as a certaine ffine. & therefore desyres the Vpper howses' further consideraõn thereon, & to signify their full determinaõn in Concurrance herewth or otherwise.

Will^{m} Bretton Clk.

As to the Pet^{n} of Will^{m} Smith. Concerning the Repeale of an Act. Jntituled An Act for Encowragem^{t} of Will^{m} Smyth &c:
This howse doe Concurre for the Repeale of the same. wth some Provisoe in th^{t} Act, as to the Lease. & repaying of the sume of ffiueteene thows^{d}, five hund^{d} fiffty & six pownds of Tob. w^{ch} the s^{d} Smyth hath allready receaued on that account.
Co^{ll} Nath: Vtye, & M^{r} Will^{m} Coursey both returne.
M^{r} Speaker Ordered Cap^{t} James Neale, M^{r} Will^{m} Coursey & M^{r} Rob^{t} Burle of a Committee for the drawing up a Bill Prohibiting Clerks to bee sheriffs, & econtrà, during such their office & imploym^{t}

That whereas this howse being informed th^{t} the Secretaryes finished by Will^{m} Smyth: But th^{t} the writtings much dammage, uppon the least Wett or fore desyre th^{t} the Leiu^{t} Grãll & Coun- further course therein. That Will^{m} & compleate the same. p. 52

Will^{m} Bretton Clk.

M^{r} Speaker 'till 3 a Clock noone.

L. H. Journal 1666

after noone.

except as in the forenoone)

Act Prohibiting Sheriffs and att one & the same time. Now

[*One line missing*]

&

Mr Speaker Caluert Esqr the Messenger to prsent to the Vpper howse for their Consideraõn Vizt An Act Concerning Ingrossers.

An Act Prohibiting Commisrs, sheriffs, & Clerks, to plead as attorneys. Both Passd this howse to Engrosmt

An Act for the Repeale of a Branch in An Act, Concerning Secretaries ffees.

Mr John Lawson's Petn & account.

Willm Smyths Petn

An Act Concerning hogstealers. wth this howses request to it.

The Request of this howse for amendmt of the Secretarys' office.

An Act prohibiting Clerks & sheriffs to exercise both offices att one & the same time.

This howse doe humbly request tht the Leiut Grāll would please to signify to this howse the day of Sessions. ffor tht the Ordinary can afford noe longer accoñodation. The Prouisions being very neare spent.

Willm Bretton Clk.

Ordered tht Maior Thomas Brooke present this Last to the Vpper howse

P. 53 Mr Nicholas Yowng made his appearance

Ordered tht John Shanks Interpreter bee allowed

Ordered likewise tht Mr Tho: Mal attendance bee allowed

Coll Nath: Vtye petitioneth the of 2000l Tob. imposed on him first Conuention of this howse. And gence & error therein, & humble future hee shall more readily Country. The howse did unanim

Willm Caluert Esqr peti wise of his ffine of 400l Tob. Willm howse, & demand of tifying of future Surveys.

Who returnes, & certifyes the speaker will presently send it by a Messenger of their owne.

Mr Speaker Ordered Willm Caluert Esqr the Messenger againe to the Vpper howse & to request of them. Whither they have any busines prepared for this howse Consideraõn yea or noe?

Who returnes, & Certifies, That they will send somthing presently.

Mr Baker Brooke, a Messenger from the Vpper deliuered to the Speaker Certaine papers. Vizt This howses proposall Concerning Surueyors. L. H. Journal 1666

Vnder wch is thus written.

Ordered by this howse That an Act bee drawne to oblige Surueyors to marke Land, rownd for the future. And likewise to oblige them to take an Oath att the entry uppon their office (as by the Lower howse was moued) for the due Exequuōn of their places.

John Gittings Clr.

Allso this howses' motion Concerning the Secretaries office. To wch is thus.

Ordered That the Governor & Councell take care that Willm per Charge doe compleate the office & finish ords from all rayne & snow. p. 54

John Gittings Clr.

Speaker 'till to morrow
Clock.
[*One line missing*]

7 a Clock.

(Except Mr Rich: Preston as afore)
was presented to the speaker followeth.
of the Message from the Lower howse would bee pleased to signify Taking into Consideraōn the sd Mes- ting Sessions be- cannot pretend to any in Ord howse to his Lp or his Leiut here. being employed about his Lps other urgent affayres This howse doth desyre that the Lower howse will take into their serious Consideraōn the prsent deplorable state of the Province reduced to allmost extreame pouerty, by the decay of Our only Cōmodity Tobacco. And that they will well weigh that important busines wch was the third, & not the least cause of calling this Assembly, & Cannot beleiue that they in prudence can thinke fitt to petition the Leiut Grāll for a Session, 'till they have secured that greate interest of the Prouince, whither in relaōn to war or peace.

John Gittings Clr.

Ordered tht Coll Nath: Vtye Mr Robt Slye & Mr Willm Coursey bee of a Committee, for the drawing up an Act for Regulating the Surueyors for all future Surueys. Who went uppon their Charge

Was read those two Acts heretofore made Concerning ffugitives & Runawayes.

Putt to the Vote. Jn the affirmative by All &

L. H. Journal 1666 p. 55

Ordered That the Committee now sitting bee hereby appointed to ueiw those two Acts for Runawayes: & pro sented to the howse imposing a greater pen poynt of time. (Viz[t]) for Euery day month, & for euery month a yeare, And th[t] a Penalty certaine bee imp ses, or Ouerseers of families that taine any servant, knowing the 500 pownds of Tob. for the next euery other night 1500 pownds of

The Committee came & Touching Surveyo[rs]

Was Read the s[d] Act. & Or

Ordered th[t] the fores[d] Com to their respectiue County Court

M[r] Edward Lloyd Came from the Vpper ed some papers to the speaker (Viz[t]) An Act Concerning hogstealers. An Act for building a Prison att S[t] Maries. & An Act for the Repeale of An Act of Encowragem[t] Concerning Will[m] Smyths building att S[t] Maries.

All w[ch] are ordered to bee read in the after noone.

The howse adiorned by M[r] Speaker 'till 2 a Clock. afternoone.

Twesday 2 a Clock afternoone.

The howse called. All p[r]nt (Except M[r] Rich: preston as afore & those three members of the Committee).

This howse taking into serious Consideraō̄n & debate th[t] first paper this day read as to a Cessaō̄n. And putt to the Vote.

Jn the Negatiue by the Maior Vote. Noe Cessaō̄n.

And thereuppon have drawne up this Request, as ensueth.

Vppon an answere from the Vpper howse last night sent to this howse in answere to their Request Concerning the day of Sessions. They are satisfyed as to the former part of th[t]

p. 56 answere. That the L[d] Proprie- only power for the appoynting day of Sessions: of the Leiu[t] Grālls absence. As to the other howses desyre, That this howse would take rable Estate of the Prouince, as relating howse not long after the first conuention uppon a full & long debate, & Voted uppon this Prouince. But th[t] Every Vote was grownded uppon greate appeare otherwise then rationall thought good to reassume the Dabate to the Vpper howse as followeth. bee more proper Notice bee Prouince, as Touching the Prop- first con how the same And that his Lo[ps] pleasure first hee like the proposition. Whose pleasure the same may reasonably bee expected about the middle of Nouember next Jf the propos[n] bee sent

him this shipping, ffor wee are not willing to act or determine any thing w^ch^ may reflect uppon his L^ps^ right, interest, or prerogatiue w^th^out easpeciall direction from himselfe. And th^t^ if a Cessacō̄n bee now prefixed, as some p^r^sons desyre it may bee. The Consequence may proue very preiudiciall to the Lord Proprietary: Jn th^t^ Wee have reason to beleiue, That this Province will bee much depopulated by such occasion: & what other preiudices it may usher in to the disadvantage of his L^ps^ rule & dignity ouer this Prouince, Wee presume his L^p^ is more sensible then Ourselues. And therefore L. H. Journal 1666

Wee the Burgesses of this present Grāll Assembly doe Judge That in duty wee are bound to apply Ourselues first to him, whose preseruaō̄n in his iust rights & dignity doe soe nearely Concerne Our & this Prouince peace & tranquillity. That if his L^p^ shall conclude it necessary That a Cessaō̄n bee made the yeare 1667 In order thereunto, This Assembly (if the Leiu^t^ Grāll thinke fitt) might bee prorogued to the last of Nouember they may meete only about that affa doe beleiue, wee shall bee very well our only Cō̄modity, will bee of mo thinke or conclude of some other All w^ch^ being well Considered & presume this proposall uery p. 57

Ordered that this proposall that they would please to take the tion, & after mature debate please to remand their Result

[*A line missing*]

M^r^ Speaker ordered sent the Vpper howse To this howses request

The Vpper howse haue reassumed cause ceade from their former Judgm^t^ (Viz^t^) That damage more proper & agreable to Law, to annexe w^th^ Corporall punishm^t^ then ffines. And the Certainty lyes in the quantity of hoggs found out, & not eyther in the ffines or dammages.

John Gittings Clr.

Was read An Act for Repeale of an Act Intituled An Act of Encowragem^t^ to Will^m^ Smyth &c.

Read againe. Thrice Read. Passe to Engrosm^t^

M^r^ Thomas Trueman Came from the Vpper howse & p^r^sented to the Speaker An Act Concerning Clerks ffees, & Jurors, &c:

An Act for aduance of other Cō̄modities more staple then Tob. And An Act for Encowragem^t^ of Trade.

Was Read An Act for building a Prison &c: Vnder w^ch^ is thus.

The Vpper howse doe Judge this a Necessary Act, & desyre

L. H. Journal 1666

the Lower howse to take it into speedy Consideraõn, & signify their Concurrance or disassent to it.)

John Gittings Clk.

p. 58

doe desyre th^t the Vpper howse will please to Message, w^ch they doe exspect, & shall drawne by the Vpper howse & sent hi- bee thereunto gyven.

Will^m Bretton Clk.

Brooke present the same to the Vpp^r howse. Concerning Clerks ffees & Jurors. &c: Passe to Engrosm^t

present these two Acts now the Vpper howse. for building a Prison &c: sence of this howse is. not any other person whom the a Prison & keeping the August next giue in Secu- to the as this Act doth enioyne. That then determine. Vppon such Clause added this howse will fully consent.

Will^m Bretton Clk.

M^r Speaker ordered M^r Nicholas Young to p^rsent these two Bills now read, to the Vpper howse. (Viz^t) An Act for building a Prison &c: & An Act Concerning Hogstealers. W^th the sence of this howse thereto annexed. W^ch is this.

The Lower howse will assent to this Act. Jf Corporall punishm^t & Treble dammages bee annex'd thereto. The Corporall punishm^t to bee, as is allready sett downe.

Will^m Bretton Clk.

Ordered th^t M^r Rich: Smyth carry to the Committee a Noate of Jnstructions for drawing an Act Enioyning All poeple to sett up their names, who intend to depart the Prouince.

M^r Henry Coursey came from the Vpper howse, & presents a paper in answere to the two proposalls sent from this howse about the Cessaõn. W^ch is as followeth.

In answere to the two proposalls sent from the Lower howse dated Twesday 24^th Aprill 1666.

p. 59

The Gouerno^r & the Vpper howse are uery passing of an Act for a Cessaõn by the Co sembly here, is noe way preiudiciall therefore sent to the Lower howse a sideraõn & approbaõn, or else to d sent. Amongst w^ch they hope they ged, as Casting only a delay, to way of a wholsome Act an emergent opportunity not w ver to bee recouered, if now a thing in w^ch his L^ps inter that of War & peace. & yett Peace uppon Emergent Oc L^ps the

To the second Clause Cessaõn may bee the depopulaõn answere yo^w urge itt but as a May bee. But certainely planting Tobacco, yo^w haue rendred it worth

nothing. The poeple will totally desert the Prouince, as not being able to subsist here; & therefore the Argument cannott induce this howse to moue the Gouernor for a Prorogac̄on, nor soe much as an Adiournm^t 'till Nouember. L. H. Journal 1666

And therefore desyre the Lower howse to proceede to debate those Two last Acts sent to them for Encowragem^t of Trade, & aduancem^t of more staple Commodities.

John Gittings Clr.

Was read those two Acts. (Viz^t)

An Act for Encowragem^t of Trade, &

An Act for aduancem^t of other Com̄odities more staple then Tob.

And putt to the Vote. Whither to passe Yea or Noe?

In the Negative, by the Maior Vote.

Ordered thereuppon that this bee sent to the Vpper howse.

That uppon debate of these two Acts this howse doe thinke them unreasonable & unnecessary. And that they will not Con- uppon any tearmes whatsoeu^r, but only uppon p. 60 this howse proposed to the Vpper howse from this howse to them.

bly desyre the Vpper howse to sig- imediately, for that this howse debate thereon.

W^m Bretton Clk

p^rsent the same to the Vpper howse. Came from the Vpper howse & remanded And that Act Concerning buil- a Clause added thereto, accor-

[*One line missing*]

read, & Both passe to Engrosm^t p^rsent the same to the Vpper howse. 'till to

[*One line missing*]

Wednesday 25^th Aprill 1666. 8 a Clock.

The howse called All p^rsent (Except M^r Rich: Preston as afore & those Three Members of the Committee.)

According to order yesternight (the Vpper howse being then adiorned) Maio^r Thomas Brooke the Messenger then appoynted, Ordered to p^rsent those two Acts passed this howse, to the Vpper howse.

The Messenger returnes, & certifyes the Speaker from the Vpper howse That the Acts passed this Assembly must bee fayre written, & requyres a Clerke to doe the same.

Ordered th^t the s^d Messenger returne againe, & request the Vpper howse, to prouide a Clerk to transcribe them.

The Messenger returnes & certifyes the Speaker th^t the Leiu^t Grāll will take care for transcribing or Engrossing those Acts agreed on.

L. H. Journal 1666 p. 61

The Committee brought downe Two Bills, (Viz^{t}) An Act prouiding ag$^{}$st Runawayes, & all such as shall entertaine them & An Act for Regulating all future Surv

Was read An Act prouiding ag

The same Act read againe. Twice

Was read An Act for Regulating

Thact Act read againe. Twice

M^{r} Speaker ordered Co^{ll} Gerard Acts now read & passed here, to the

M^{r} Edward Lloyd came from Speaker, as followeth, (Viz^{t})

Twesday –5th Aprill 16

Ordered th^{t} a Member of th make knowne to the Speaker, Th whole Lower howse, in the halfe an howre att furthest

Whereuppon the Speaker sent attend the

And putt to the Vote whither it bee thought ry to request the Leiu^{t} Gr$\bar{a}$ll to signify to this howse, for what cause hee pleaseth to send for this howse. To the end Wee may the better provide & debate amongst Our selues Concerning the same.

In the affirmatiue Necessary by all.

Whereuppon the Lower howse doe unanimously agree, That they are willing now, & att all times shall bee, to attend the Leiu^{t} Gr$\bar{a}$ll, eyther by a full howse, or otherwise by Committees. Yett neuerthelesse they doe humbly pray, th^{t} the Leiu^{t} Gr$\bar{a}$ll would please att this time to signify to them the reason of his suddaine Command in Calling them before him, on soe short Limitaō^{n} of time That they may prepare themselues the better to appeare, & giue answere, to what his L^{p} pleases to Communicate to them.

Will^{m} Bretton Clk.

Ordered by the whole th^{t} M^{r} Will^{m} Coursey present the same to the Vpper howse.

M^{r} Henry Coursey came from the Vpper howse, & p^{r}sents the Speaker a paper. As followeth in these words.

p. 62

To the Lower howse of Assembly.

of Assembly receiued last night Two Act for Encowragem^{t} of Trade; & are yo^{w}, They haue some reason to suspect, yed in a due way, in yo^{r} howse, but maor else, that whatsoeuer yo^{r} pretended of proposalls for a prorogaō^{n} 'till his Cessaō^{n}, yow haue neyther Care for him nor his Governo^{r} nor Go- by his sonne & heyre apparent yo^{r} pretend how came those ere, w^{ch} they doe expect, & paper sent wthin halfe a

wch wth ble a nie of to the mature deliberaōn of Govern Vpper howse. Whence that hast? And if yoᵘ doe truly valeu my Lords interest here, how comes it that wth one breath yoᵘ make an Act for carrying a war on, euen wthout the bownds of the Prouince, & wth the next refuse to take true care for the meanes of procuring Armes & Ammunition. Wee meane the Act for Encowragemᵗ of Trade, in wch is included the Cessaōn ffor assure yoʳselues, that unless you find a way to lessen the uast quantities of Tob. 'tis impossible to make it worth the fetching, & by consequence lesse worth the importing, Armes & Ammunition to purchase it wth, neyther will it procure any Creditt for pʳsons to bee sent abroad upon a Treaty. L. H. Journal 1666

This (Gentlemen) is downe right truth, & carry's as little ffallacy in the argumᵗˢ, as glosse of words to sett it of wth. Wherefore as yoʷ tender the preseruaōn of yoʳselues yoʳ Wifes & familyes Reassume the debate, & prepare yoʳ selues to ioyne wth this howse in a Grand Committee, to settle this busines of a Cessaōn, Vppon wch depends the preservaōn of the Prouince not only in relaōn to itts Trade, butt allso itts defence agst the forreigne Indians. p. 63

Ordered by this howse thᵗ this paper bee sent Two papers sent yesterday from the Lower by a Coppey of this Order. That the Reas the Speaker & thᵗ howse is to receiue sᵈ paper, wch hee sodenly exspect

Wch paper being read Mr Speaker goe to the Vpper howse to know meaning of that paper,

Who returnes & certifies lates to the Cessaōn & Encowragemᵗ

Willᵐ Caluert Esqʳ, Ma & Mr Willᵐ Coursey are here to the Vpper howse, in order betwixt the Vpper, & Lower paper, this day sent from the Vpper Bretton

But the Vpper howse being adiorned, Members resolved into a Committee to prepare themselues agst afternoone, according as is gyuen them in Charge.

The howse adiorned by the Speaker till 2 a Clock afternoone.

Wednesday 2 a Clock afternoone

The howse called. All pʳnt (Except as afore, & those ffowre members of the Committee).

The Committee came into this howse, making relaōn of what was deliuered in writting. & spoaken by them in the Vpper howse. (Vizᵗ)

L. H. Journal 1666 The Lower howse humbly desyres th^t^ there may bee a right understanding betwixt both howses, w^ch^ they hope for the future will bee. And as to the words (shall not debate) was never intended to disgust the Vpper howse.; But shall for the future auoyd such expressions. This howse humbly desyres th^t^ the Vpper howse would be pleased to lett them understand their reasons to suspect, th^t^ businesses are not carryed in a due
p. 64 way in this howse, but managed by the artifi- howse being altogether ignorant th^t^ affayres further that if any person hath infor- businesses are soe carryed on as afores^d^ howse would bee pleased to signify may bee better able to uindicate

[*One line missing*]

ame from the the Vpper howse, & signi- rall Vpper howse Exspected this

[*One line missing*]

That they were drawing it up.

howse iudge it most requisite howse, they fully conclude howse, as to that of a Ces- of th^t^ howse the , they , & there debate & proceede to the , according as is accustomed in this howse?

By the Maior Vote: To returne to their owne howse, & there only debate, & Vote as formerly.

Then M^r^ Thomas Trueman Came from the Vpper howse, and presented this following paper to the Speaker.

To the paper sent by the Lower howse dat. 25^th^ Aprill 1666 into the Vpper howse. Wee reply that wee are glad they are sensible of the miscarriage in sending th^t^ paper first sent 24 instant. But there being a second paper sent the same day of the same complexion, & in the same Dialect endorsed uppon two Acts sent by the Vpper howse to them of noe lesse importance then the Ruine or wellfayre of the whole Prouince. To one of w^ch^ they doe flattly say, that they will not consent uppon any tearmes but their owne: And after in the Close of all, That they are resolved to have noe further debate thereon. This howse haue iust cause to thinke affayre are not carryed
p. 65 in a due orderly way; It being impossible th^t^ orderly proceeding should produce pers w^th^out any perticular reasons gyuen uince assisted by the Vpper howse of & the Vpper howse doe exspect, th^t^ come to them in p^r^sons, to Cleare ing & debating the Reasons inducing the sayd Act.

In answere to the paper last howse dat. 25^th^ Aprill 1666. This appearance in the Vpper howse, sing An Act for a Cessaō. B w^th^ their Liberty & priuiledge But th^t^ they returne to the amongst themselues.

A . unto. W^ch^ they presume is ledges. Vppon L. H. Journal 1666
w^ch^ account they from the Vpper howse to attend them
Will^m^ Bretton Clk.

Ordered th^t^ Will^m^ Calvert Esqr present the same to the Vpper howse.

M^r^ Edward Lloyd came from the Vpper howse, & certifyed the Speaker th^t^ the Leiu^t^ Grāll is ready to receaue this howse according to the first part of that last paper.

Then M^r^ Speaker ordered M^r^ Robert Slye to goe to the Vpper howse, Requesting them to signify to this howse. Whither they will please to receave this howse according to their full proposition. Yea or Noe?

Who returnes & certifies the Speaker, th^t^ the Vpper howse will send this howse an answere in writting presently.

The howse adiorned by the Speaker 'till to morrow morning 8 a Clock.

Thursday 26^th^ Aprill 1666. 8 a Clock.

The howse called. All present (Except M^r^ Richard Preston as afore) came from the Vpper howse, & presented to p. 66
the followeth in these words.
howse of Assembly.
receaued a paper from yo^u^ last night. The
come & heare what Wee could say, & Encowragem^t^ of
Trade, but yo^u^ would not priuiledges. Before Wee
Reply to th^t^ Pa- have forgotten the subiect matter of all
eyther howse uppon this busines. Wee Trade
& uppon the Grownds in the reasonable & desyre
yo^r^ assent yo^u^ instead of Reason send us pa- not
to debate any more. And now yow (W^ch^ reasons)
if yo^w^ had any respect for the Governo^r^ to the good of
the poeple th^t^ sent you hither to doe & consent to such things
as by Common Councell of this Prouince shall happen to bee
ordeyned. W^ch^ Common Councell can neuer bee had w^th^out
debate. Now to speake particularly to the reason of yo^r^ paper,
to witt, But wee humbly Conceive th^t^ it stands not w^th^ our
Liberty & Priuiledges to debate any matter att large there. To
this, Wee answere. Conferences are not against yo^r^ priui-
ledges, & a Conference is not only to noe purpose; But noe
Conference att all unlesse for the discussion of the reasons th^t^
make for or ag^st^ the matter conferred on there be debated att
large.

And secondly yo^w^ mistake us, & yo^r^ priuiledges to, for wee
desyre only a free & full debate w^th^ yo^u^ all, that wee may
throughly understand the case, & according to the weight of
the reason to bee alleaged by Euery p^r^ticular p^r^son, to prepare

L. H. Journal 1666

Ourselues for a reasonable determinaõn & resolution. Wch as wee intend to make a part from youn in Our owne howse. Soe youn may make it by yorselues in yor owne howse. Only take this Rule by the way Obstinate fortitude is as pernicious to the
p. 67 Common Wealth, as fearfull honesty. & therefore Conferences are necessary Neq. timida probitas Reipub. utilis est, says My Lord Cooke Both howses in England once satt together debated together, yea euen Voted together breach of yor priuiledges to debate gether is not out of the memory of to the contrary. And were it not positiue Commands to keepe howses holding Assemblies is by his Pattent perhaps tell youn That wee find Vppon Consideraõn of wch pect, youn should come this day, & for & agst that Act for Encowragemt tht youn yor owne h itt, as the reasons urged shall Wee doe hereby protest Our owne & tht whatsoevr Calamity shall befall the Prouince, eyther by the decay of or the Jnuasion of Our Enimies for want of armes & ammunition, now not to bee purchased by Tobacco, though wee haue uast quantities lying by us, The guilt lyes att yor doers. And lastly tell yow, 'tis yor selues in prson, & not answeres in paper tht wee exspect from youn.

John Gittings Clr.

Putt againe to the Vote whither or noe that this howse have Conference wth the Vpper howse, & there debate Concerning the Act for Encowragemt of Trade in tht howse. Our whither wee ought to debate tht busines in Our owne howse & there only debate, & proceede to Vote, as Wee have bene accustomed, in former assemblies?

And the howse thereuppon Voted tht all debates in Relaõn to a Cessaõn, ought to bee discussed in this howse, & not in the Vpper howse by Conference.

Philip Calurt Esqr. Chancelor came, & made an Explanaõn of what is contayned in that Last paper sent from the Vpper howse, hither.

Then Mr Speaker appoynted Mr Willm Coursey to goe to
p. 68 the them. That this howse haue now Voted, not to haue the Vpper howse touching a Cessaõn. Certi- shall please to remand hither That Encowragemt of Trade. They shall againe syred.

wth him tht Bill Entituled an Act for Bill allso. Entituled an Act for more staple then Tob.

Encowragemt of Trade. to passe or not?

Vote. Not passe aduance of other Commodities &c:

[*One line missing*]

an unnecessary & uery L. H. Journal 1666

[*One line missing*]

Will[m] Caluert Esqr the Messenger appointed, to present the Sence & Vote of this howse, to these two Bills or Acts to the Vpper howse.

Who returnes, & certifies the Speaker th[t] the Vpper howse desyres our Reasons.

M[r] Speaker telling him, That the Reasons why noe Cessaō are on the Journall: for w[ch] Journall they have prouided an Act this Sessions of Assembly. Then.

The howse adiorned by the Speaker 'till two a Clock after noone.

Thursday two a Clock afternoone.

The howse called All present (Except M[r] Rich: Preston)

Were read the Reasons of the Committee touching noe Cessaō in the former part of this Journall inserted, somewhat now amplifyed. W[ch] are as followeth. (Vizt)

fol. 6. Reasons of the Lower howse of Assembly why they thinke a Cessaō from planting Tob. to bee unnecessary in this Province.

1. Wee conceiue Our Cessaō will rather encrease than lessen the quantity of Tob. ffor it will encowrage the poeple of those parts to plant Tob where now there is little or none p. 69 because other American Plantaōns are wee are, as to their Comodities. W[ch] by shipping their Comodities usually plant dico, are now as contemptible as Tob. Wee now conclude a Cessaō, they w ting Tob. Their Lands being more proper yearely make not only one Crop, but three Crops. Soe th[t] their abundance Prouince ineffectuall; thereby as to aduance Our Comodity Tob. neuer the more for Our Cessaō in all his Maiesties Plantaōn fore a Cessaō

2 A Cessaō will dism to these parts, not hauing the Com seeke for here. Nor any probability or hopes in any reasonable to produce other Manufactures for their Encowragem[t] to visitt this Prouince, & supply us w[th] such necessaries, as Wee from time to time shall want. Soe th[t] by the meanes of a Cessaō in Maryland & Virginia Our Trade for a long time will bee obstructed. Merchants usually trading this Way, will settle their Trade in other parts. & wee shall thereby in all probability bee wholly deserted by shipping. Our Country ruined, Our selues, Wifes, & Children exposed to little better Condition then a Pagan, or Saluage manner of lyuing.

L. H. Journal 1666

3. Seamen shall not bee gott to come for these parts for any other Comodity then Tob. in regard itt payes a greate Custome, an Excyze, & freight: W^ch^ commonly Seamen saue, & putt into their purses. W^ch^ is their only inuitaõn to these parts; Their Employm^t^ when they arryue here, being soe uery much slauish, is well compensated to the gayne they haue by Tob, the w^ch^ other Comodities will neuer afford them. therefore they will decline this Trade, w^ch^ will bee a greate occasion to deterre Merchants from the Trade of these parts allso.

p. 70 uite or rather constreine all ffreemen or the out of this prouince, & seeke out those make use of their labo^rs^ w^th^out restraint will bee in danger of depopulation. atest strength of this Prouince, their much weaken us, & render us a

[*One line missing*]

lessen the price here, but the want not to bee exspected 'till the Lord War & pestilence from our natiue ence the only principall cause Our only Comodity Tob att p^r^sent, of what nature or kind soeuer & cons hope Vpper howse, & to all Good men. & unbyass

Ordered that Will^m^ Caluert Esqr present these Reason now read & those other Two Bills not passed this howse in the forenoone. Viz^t^ An Act for Encowragem^t^ of Trade, & An Act for the aduance of other Comodities more staple then Tob. to the Vpper howse.

M^r^ Henry Coursey came from the Vpper howse, & presented a Bill, Intituled An Act Touching paym^t^ of debts &c: w^ch^ M^r^ Coursey himselfe read, according to the order of the Vpper howse, in this howse by permission of the Speaker.

Ordered th^t^ Will^m^ Caluert Esqr goe to the Vpper howse, & desyre them to giue answere (if they soe please to those reasons now sent them from this howse.

M^r^ Henry Coursey came againe from the Vpper howse & requested th^t^ this howse would giue answere to that Bill now brought to this howse by him Touching paym^t^ of debts &c: And M^r^ Speaker certifyed him that That Bill had dependance on those two other Viz^t^ The Act for Encowragem^t^ of Trade, & the Act for the advance of other Comodities &c: & soe soone,

p. 71 as they shall giue answere to this howses Reasons, they shall then likewise in order m

Thereuppon M^r^ Henry Coursey departed & certifyed the Speaker That the ans howse, cannott bee prepared to night their answere thereto 'till tomorrow they haue now in hand. Then.

The howse adiorned by M^r^ Speaker morning 7 a Clock

ffriday 27th Aprill 1666 L. H. Journal 1666

The howse called all present

Chancelor came from the Vpper then had prepared, in answere part of the howse was gran being obstructed att first by the Speaker Vote

Was read the first Reason to wch the Chancelors answere read

To the second the Chancelor read & replyed.

To the third. Likewise

To the ffowrth in like manner.

To the ffifth in like manner. as afore.

Wch reasons being alternatim read, the Chancelor departed. Leauing these two Bills Vizt An Act for Encowragemt of Trade &c: & An Act for the aduance of other Comodities more staple then Tob, to bee againe debated in this howse according to order from the Vpper howse Wch order annexed under his answere to our Reasons is this that followeth (Vizt)

Ordered tht the Lower howse bee desyred to consider of these Reasons, & after Consideraõn had, to reassume the debate of the Act for Encowragemt of Trade & the other Act for aduance of more staple Comodities then Tobacco.

John Gittings Clr.

Answere to the Reasons of the Lower howse gyuen against a Cessaõn from planting Tob.

wee answere That 'tis impossible tht Our Cessaõn p. 72 lessen the quantity of Tob. Because 'tis of ndred soe contemptible by the abundance ketts, & lastly soe difficult to prserue And therefore it can noe way Endiscowrage all men from planting Wee doe confesse the other American ght w re for want of shipping and contemptible as ours. You , & Wee will follow your owne many yeares in exspectaõn of will not eyther keepe att all Ginger will keepe if it haue keepe, but may and ght up Cloathing for the Planter dayly. & lastly by In s greate ualew, & soe long to bee preserued, tht it may not improperly bee called imperishable. Wee appeale to yor owne Judgmts whither it bee probable tht the American Plantaõns should leaue of planting these staple, ualuable, & imperishable Comodities, though they haue noe present Vent for them, only to plant Tob. wch Wee cannot liue by, hauing noe greater certainty of Vent for it then Wee haue: & as certaine to haue itt Rott uppon their hands, as Wee can bee. Besides were all tht you alleage true, wch for the reasons above gyuen, wee flatly deny, yett by making an Act for a Cessaõn now, & sending the news

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home, Wee shall gett a good supply of Cloathing Armes & Ammunition for the next Crop, w^ch^ will bee uented before the other American Plantaõns can plant any Tob. This wee thinke sufficient to satisfy reasonable men, but if this satisfy not, wee are ready att a Conference to giue more reasons, then can conueniently bee written att this time.

2. Did wee not see, th^t^ the greatest part of the world is to little for the English merchants shipping & seamen: & soe
p. 73 much to little that they haue in a manner forced the King by their the Dutch, to make roome for them to beene of some weight. But th^t^ convincing cient security, yo^u^ shall never want a Comodity worth fetching. But to 'tis not the shippings barely comming but their importaõn of goods, to Thows^d^ hogsheads of Tob. out the Trade one yeare wee shall, wee m turing goods hither to purchase & necessaries for it. W^ch^ if wee wee shall neuer haue. And if wee yeares Crop, now ready to syre shipping, then to carry bee sent by those, whose subsistance Trade Tob, when they know before hand, the can haue none the next yeare following. If merchants trading this way doe settle their Trades in other parts It will bee noe Calamity, Since England can afford others th^t^ are not acquainted w^th^ the wayes of grinding the face of the poore, used by some now: w^ch^ hard usage hath reduced allready the poorer sort of poeple of this Prouince, to a Condicõn little better then that Pagan & saluage manner of lyuing, w^ch^ yo^r^ selues seeme to feare from a Cessaõn.

3. The third reason is founded uppon stealing his Maiesties Customes by Seamen, & were not worth the answering, but th^t^ perhaps some men might thinke there is more weight in it, to sway a Mans iudgm^t^ agst a Cessaõn from planting Tob. for a yeare, then in truth it doth. Wherefore Wee will giue you not graunt yo^u^ th^t^ seamen will not come for any other Comodity but Tobacco, & therefore assure yo^u^, That wee will not plant soe much Tob, or soe long 'till it shall bee worth nothing to them, nor us. And wee doe conceaue the Lower howse cannott in prudence thinke it fitt, to have the Province plant Tob, meerely to haue the Seamens company, euen now when the
p. 74 Planter short our designe is to advance the price of Tob. fetching. & th^t^ yo^r^selues say, will inuite the when there is none wee need them nott. men goe? Not to Virginia because there American Plantaõns because yo^r^ selues say ptible as Tob. And wee haue demonstra- making th^t^ perishable Drug Tob. must of necessity stay here, & if p^r^mitted his wants, & hauing nothing to better furnished, Neyther doth ure of the ffree-

men will bee a aduantage of the ffreeholder. & L. H. Journal 1666
Prouince, not the ffreemen. the burthen of the Gouerm^t doth in peace War en, who can easily abandone us, & could they . the Province in generall, w^ch wee know they cannott. And would the ffreemen doe it, ye—if to gaine them to stay wee should forbeare to doe that w^ch is best for the ffreeholder of the Prouince, that hath stock, Wife & Children fixed, & irremoueable as wee may say here, Wee were unworthy to bee called the Two howses of Assembly. But wee know that eyther they cannot leaue the Prouince for poverty, or will stay in itt, 'till the meane price of Tob driue them out of it; or ells (w^ch wee more feare) force them to committ Outrages in itt, for want of Necessaries, not to bee prouided by Tob. because worth nothing,

5. Yo^r fift reason sayes, the quantity of Tob. doth not lessen the price here, but the want of ships to fetch it away. What is this in plaine English, but to say, That there is more Tob then the ships that are or were here this yeare can carry away? Have wee not then glutted the present markett here? Why then shall wee not haue a Cessaō to make Tob beare a price here? And that it will beare, when Every ship that by chance comes, cannott haue Loading.

Wittnes that yeare when M^r Humphrey Warren p. 75

2^d p^r ℔. Bills of Exchange, rather then att London yeilded not aboue three halfe offer att any time hopes of more spect the War should end this two uaine to plant that w^ch by yo^r owne uppon the whole matter Wee see noe reason that Act for Encowragem^t of Trade ports it us, to heare that T beare if it will not buy us shirts here & then it will bee deare, & p w^ch now it will not, & w^thout

Wherefore the Gouerno^r & men of the Lower howse, to uince in want of Cloaths, noe meanes prouided as yett Comodity Tob of sufficient ualew to purchase eyther Cloathing or Armes to defend us. The last assembly denyed us a power to maintaine War w^thout the Limitts of the Prouince. The consequence of that was, the unreuenged, nay as yett unreuengeable murther of Thirty innocent poeple, & the ruine of more yett lyuing, in their Estates & Plantations. Yo^u thinke yo^u have done better by gyuing us a power to maintaine War w^thout the Prouince, by Leavying Tob. What signifyes th^t Act unlesse by a Cessaō yo^w bring it to a ualue & Estimaō? Could Tob procure soe much as Creditt for meate & drinke & necessary Expences att New Yorke for p^rsons to bee sent thither. Co^ll Nicholls might p^rhaps procure us a Certaine & Cheape peace w^th the Cinigoes, as is manifest by his noble obliging & friendly Letters sent into

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this Prouince. But as the case stands the Gouerno^{r} can neyther arme Soldiers to fight for yo^{u}, nor send Commis^{rs} to treate for yow, nor indeed accept of that Act, for maintayning War wthout the Prouince, wthout hazarding his hono^{r}, not only to the censure of o^{r} neighbouring Gouerm^{ts}, but allso to the scorne of the Pagan & infidell.

p. 76 Wherefore test wee are innocent of the blood allready spilt Last assembly to prevent it, & will hold blood th^{t} may hereafter bee shed, for want yo^{u} consent not to a Cessaon from W^{ch} alone can putt the Gouerno^{r} into

[*One line missing*]

Glutt must needs bee the effect of plan- Stint is impracticable soe that aō̄n.

follows, the ruine of the howse- Tob they make being soe little cloath him, & renue his time. That the richest of us all, att last ants, Though the Poore it may soe fall th^{t} Two seruants hase one, when one mans labour shall not

Wee will yett for the poore mans sake make one instance more; Quick dispatch is the life of Trade. ffor w^{ch} reason the rich man, th^{t} can compleate a Merchants freight wth speed shall bee serued, when a poore Man his Crop not exceeding six or Eight hogsheads of Tob, shall starue for want.

Jf that fayle the rich have meanes to take freight certaine in England. By w^{ch} meanes if freight bee scant, the rich will haue all Jf plenty the rich being supplyed by their owne returnes or creditt, the poore will bee sacrifised to the rapacious auarice of the Trader: there being none to beate the price, but those whose wants will not permitt them to exspect, & must therefore perish or runne more in debt. So th^{t} uppon the whole matter, if eyther yo^{u} will hearken to the Crying necessities of the poore, the groanes of those that liue in feare of the Pagan Enimy, or lay to heart the honor of Gouerm^{t} yo^{u} will ioyne wth us in that Act for a Cessaō̄n, w^{ch} att once remedies those

p. 77 three Euills. Inconueniences itt may haue, as nothing in this world is simply good in it selfe, Bu greater then the inconueniences, unlesse unknowne to us dearer then life, Li name of Christian, otherwise layd op

The End of the Reasons

Put to the Vote Whither this howse those Reasons sent from the Vpper judging them satisfactory &

The howse Voteth those tory, (by the Maio^{r} Vote)

M^{r} Nicholas Rikard cerning the debate of this bus fesseth his fault for his

The howse uppon his

Ordered th^{t} Co^{ll} Nathaniel M^{r} Will^{m} Coursey bee a Committee, & draw up, an answere to those Reasons now read

by the Chancelo^{r}, according to the last debate in this howse, as Touching a Cessaō̄n, & present the same to this howses Consideraō̄n; & then to bee sent to the Vpper howse. L. H. Journal 1666

The Committee went uppon their Charge.

Was read an Act for Encowragem^{t} of Trade.

Vppon Reassumption of the debate touching this Act. This howse doe humbly request th^{t} the Vpper howse will please to draw this Act anew & putt in such necessary clause or clauses in the s^{d} Act. That the Southward Plantaō̄ns under the Gouerm^{t} of Will^{m} Drummond, & the places adiacent, may bee included, & obliged to obserue the same. And that there may bee six Commis^{rs}, Viz^{t} ffowre of the Councell, & other Two persons of this howse appoynted to Treate wth S^{r} Will^{m} Berkeley & the Assembly of Virginia uppon a Totall Cessaō̄n. And further th^{t} the Leiu^{t} Grāll please to nominate those ffowre of the Vpper howse, & th^{t} the Lower howse nominate two of their members to ioyne with them.

for advance of other Comodities &c: p. 78

into the howse, & presents as followeth.

ing into the Lower howse, & reading the saō̄n necessary. The Lower howse ta- consideraō̄n & debating thereon, doe rest taken, & prouision made for the sa-

Neighbouring Colony of Virginia doe

[*One line missing*]

of other Comodities &c: read againe. Act allready in force Entituled English graine hath sufficiently specie then Tob.

'till 2 a Clock

ffriday after noone

The howse called All present (Except M^{r} Rich: Preston as afore, & M^{r} Thomas Thorowgood, who is excused by sicknes.)

Was read An Act Touching paym^{t} of Debts, &c:

That Act read againe. & Voted to Engrosm^{t}

Ordered th^{t} Co^{ll} Nath: Vtye p^{r}sent to the Vpper howse th^{t} paper in relaō̄n to the reasons of the Vpper howse, p^{r}sented by the Chancelo^{r} this morning touching a Cessaō̄n; allso The Act for Encowragem^{t} of Trade: The Act for aduance of other Comodities &c: wth this howses answere thereto, & the Act Touching paym^{t} of Debts, &c: now read & passed in this howse.

Who returnes. & ordered to goe againe to the Vpper howse and desyre, Jf they haue any Bills formerly presented by this howse, there, on w^{ch} they have had any debate, they would please to remand them hither, eyther by himselfe, or by a Messenger of their owne.

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Whereas this howse have bene enformed th^t the Leiu^t. Grāll hath denyed Passes to severall p^rsons, who were intended lately to depart this Prouince, allthough they had sett up their names according to the usuall Customes in such cases. And they being infor for the future is resolued to giue noe Pa to depart this Province, w^thout a Law to doe. This howse doe therefore hu will take the same into their Consideraōn them drawne, prouiding the manner bee graunted, w^thout w^ch this Prouince a Prison. Jn that the Act Intituled an all Masters of shipps & other Vessells out of this Prouince, uppon their

Co^ll Nath: Vtye returnes Addressed to the R^t hon^ble the L^d the Realme of ffrance, in th to bee not naturalized.

W^ch was read, & assented

Maio^r Thomas Brooke the Messenger present the same to the Vpper howse.

Chancelo^r came from the Vpper howse, & brought That addition desyred by this howse, To the Act for Encoragem^t of Trade, for this howses consideraon & approbaōn. W^th all Certifying the speaker that the Leiu^t Grāll thought Two p^rsons of the Councell, & Two members of this howse to bee sufficient for the Treaty to the Gou^r & Assembly of Virginia, & further th^t the Leiu^t Grāll had appoynted himselfe and M^r Henry Coursey for that end.

Was read That Addition, or Prouiso.

This howse Voted, by the Maio^r part, M^r Thomas Nottley Speaker of this howse, & Co^ll Nath: Vtye to ioyne w^th those other Two of the Councell, in order to the fores^d Treaty.

Ordered th^t Co^ll Nath: Vtye present that paper now debated to the Vpper howse, Concerning a Bill for Passes. And allso to signify to them the Vote of this howse Concerning the Two Members to bee appoynted for the Treaty.

Was Read againe that Addition or Prouiso. Twice read, & Passed.

p. 80

Thomas Brooke present the same now read them That the Act bee fayre drawne in course.

for a while. All p^rsent (Except as afore.)

the howse th^t M^r Thomas Nottley did in- in M^r Bedlows ship, or some other other p^rsons of this howse to the former Grāll of those ffowre, choose those other Two of the Councell afores^d & Maio^r Thomas Brooke. to present those two persons

[*One line missing*]

howse & p^rsented to the speaker of Trade fayre drawne, & the Pet^n of Will^m

Was read the Act for Encowragem^t of Trade.

Thrice read, & Passe to Engrosm^t^ L. H. Journal 1666
Ordered th^t^ M^r^ Will^m^ Hambleton p^r^sent the same to the Vpper howse

The howse adiorned by the Speaker 'till to morrow morning 7 a Clock.

Saturday 28^th^ Aprill 1666. 7 a Clock.

The howse called. All p^r^sent (Except M^r^ Rich: Preston as afore)

ffirst was read the Pet^n^ of Will^m^ Smyth yesternight p^r^sented to this howse from the Vpper. Vnder w^ch^ is thus (Viz^t^)

This howse doe conceiue th^t^ Will^m^ Smyth may haue a Lease for three acres of the Countries Land, for one & thirty yeares to him & his Exequuto^rs^ Layd out in such part, as the Governo^r^ shall thinke fitt & that the rest of the Pet^n^ is unreasonable.

John Gittings Clr.

This howse will consent that the Pet^r^ Will^m^ Smyth may haue Three Acres of the Countries Land for one & thirty yeares to him & his Executo^rs^ to bee Layd out by the Governo^r^. Provided the s^d^ Smyth & his Executo^rs^ bee obliged to bui p. 81 att his owne Costs & charges, & keepe Ord seruice, & for the entertainm^t^ of all p^r^sons ciall Courts & Assemblies, or uppon the other times. As to the rest howse Concurrs w^th^ the Vpper howse

Co^ll^ Nath. Vtye the Messenger them. That if they have any thing Posses^ns^ or other matter, ere they would please to signify the same

Co^ll^ Nath: Vtye returnes absent, ffurther that there a sides th^t^ Act for Quietting Posses they have dispatched some amended.

Chancelo^r^ came from the Vpper Act Concerning Surueys, W^ch^ Act (by Lycence from the speaker) was read by him selfe in this howse.

Co^ll^ Will^m^ Euans came from the Vpper howse, & presented a draught of an Act to bee debated of in this howse Concerning Passes.

This howse in debating th^t^ Act for Surueyo^rs^ something haue added, as to the assigning of warr^ts^ &c: w^ch^ M^r^ Speaker ordered M^r^ Will^m^ Coursey to p^r^sent to the Vpper howse.

Was read An Act for Passes, as drawne by the Vpper howse.

That Act Read, againe Twice read, & Passed.

Co^ll^ Nath: Vtye the Messenger ordered to p^r^sent the Act Concerning Surueyo^rs^ to bee fayre drawne up by the Vpper howse, for this howses Clerks subscription. And likewise the Act for Passes

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Mr Speaker ordered Mr Willm Coursey to present this howses Concurrance wth the Vpper howses Vote, touching the Petn of Willm Smyth wch was againe remanded.

Col Willm Euans came from the Vpper howse & presented An Act Concerning Passes, for this howses Vote. And An Act for Runawayes.

p. 82 for Passes. Thrice read. & Passe to Engrosmt.

Concerning Runawayes.

againe. Thrice read. Passe to Engrosmt.

prsent to the Vpper howse. That Act for Runaways, & Willm Smyths Petn

from the Vpper howse, & brought downe all future Surueys.

Read, & Passe to Engrosmt

Messenger appoynted to present this last

[*One line missing*]

it may not bee more neces- reall personall or mix'd bee to their Commisn as formerly, or & tryed before the Leiut Grāll & Councell.

Vote remaine as formerly, according to their Commisn from the Leiut Grāll.

The howse adiorned by the Speaker 'till 1 a Clock after noone.

Saturday 1 a Clock afternoone

The howse called: All prsent (Except Mr Rich: Preston as afore)

Ordered tht Mr Willm Coursey present to the Vpper howse the heads of of those Lawes, wch this howse iudge necessary should bee repealed, as allsoe the heads of all those other Temporary Lawes meete to bee reuyved.

Colh Willm Euans came & prsented two Petns (Vizt) the Petn of Henry Adams sheriffe of Charles County, & the Petn of John Miller.

Was read the Petn of Henry Adams demanding ffees for imprisonmt of Hannah Price, & Mary Marler, amounting to the sume of 5715l Tob. And likewise for Conueying Indian Prisoners downe to St Maries amounting to 1875l Tob. in all 7590l Tob.

This howse doe Judge tht the first sume (Vizt) 5715 Tob, bee payd by the Inhabitants of Charles County. The Lawes of this Province now in force having sufficiently provided, as

p. 83 to the payment of ffees due from Criminalls in such Cases. As to the Latt Tob. the Law made Anō 1662 doe prouide take order where the sheriffe may rep ffee in that Case.

Was read the Pet[n] of John for one yeares seruice. In L. H. Journal 1666
w[ch] ea ciall Court, according to the Opinion howse doe Concurre.

Vppon the backside of w[ch] Pet[n] whither it may not bee necessary one & Twenty yeares, comming serue ffive yeares. Yea or Noe.

And whither seruants bee adiudged to serue ffive yeares in Virginia. Yea or noe?

Both w[ch] proposalls

The howse adiorned by the Speaker '
morning next 7 a Clock.

Munday 30[th] Aprill 1666. 7 a Clock.

The Howse called All present (Except M[r] Preston as afore)

M[r] Speaker Ordered Co[ll] Nath: Vtye to p[r]sent those two Pet[ns] of M[r] Henry Adams, & John Miller, w[th] this howses Vote & Judgm[t] thereon, debated in this howse on saturday last, to the Vpper howse.

M[r] Speaker motions the howse, That there were Certaine Lawes made the Last Assembly; W[ch] his L[p] does somthing dislike, & desyres they may bee amended in Certaine Clauses. And thereuppon proposed, in case the whole howse agree thereto, to appoynt two or three Members of this howse, to ioyne in a Committee w[th] the Upper howse to amend, or draw up those Acts, anew w[ch] his L[p] hath signifyed his dislike to, for the more speedy dispatch of busines.

Therefore the Lower howse doe humbly pray th[t] the Leiu[t] Grāll would please to appoynt a Certaine Number of the Vpper howse to Number of the Lower to bee a Com- p. 84
mittee for the now in force w[th]in this Prouince, &
both howses, what Acts are necessary the whole Body of Lawes thereby to if possibly. Then

M[r] Richard Beard, & M[r] Will[m] drawing An Act for the paym[t] of all the Cessaōn yeare.

came from the Vpper howse & presented all. (Viz[t]), An Act for Quietting a Rule for all Conueyances for

[*One line missing*]

ing Posses[ns] & Rule for all Conveyances &c:

That the former Act made Anō 1663 Int Quietting Posses[ns] bee amended by a Committee by both howses. But cannot, untill they haue consulted w[th] their Respective Counties agree to repeale the same totally. And therefore doe desyre th[t] the Leiu[t] Grāll would appoynt Certaine Members of th[t] howse to ioyne in Committee w[th] Certaine Members of this howse for the amendm[t] of that Act.

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Ordered th^t^ Will^m^ Caluert Esqr p^r^sent this afores^d^ Order, & request to the Vpper howse.

The Committee Came into the howse & brought a Bill drawne by them for this howses perusall, (Viz^t^) An Additionall Act for the soweing of English graine.

Was Read the s^d^ Act.

The s^d^ Act read againe. & Putt to the Vote. Passe by the Maior Vote, & to bee p^r^sented to the Vpper howse for their Consideraō̄n.

Ordered th^t^ M^r^ Will^m^ Coursey p^r^sent the same to the Vpper howse.

Chancelor Came from the Vpper howse, & brought downe againe the Act Concerning Quietting Posses^ns^ And further certifyed the Speaker that according to this howses request the
p. 85 Leiu^t^ Grāll had appoynted M^r^ Edward Lloyd & M^r^ Henry to ioyne w^th^ Certaine Members of this howse in drawing up anew that Act.

And thereuppon M^r^ Speaker M^r^ Richard Smyth, M^r^ Robert S w^th^ those others afores^d^ of the Vpper howse amendm^t^ of the fores^d^ Act. And clude thereon, to the Consideraō̄n of the

The howse adiorned by the Speaker after noone.

Munday 1 a Clock

The howse called All p^r^sent

The Committee

M^r^ Thomas Trueman came p^r^sented a Bill, Jntituled An Additionall Act for the soweing of English Graine.

Vnder w^ch^ is thus written.

This howse is willing to consent to this Act. Prouided th^t^ all Debts allready contracted, & all such as may bee contracted, beetweene the 25^th^ of March 1667, & the 25^th^ of March 1668, where Tob are not to bee had, for the satisfying such Debts bee discharged by Wheate, Rye, Barly, & pease, att such rates, as is in this Act mentioned, uppon a Lawfull tender of such graines made to the Credito^r^ or his Certaine Attorney.

John Gittings Clr.

Was Read the fores^d^ Act

Vppon the Reassumption of the Debate of this Bill, & the debate on the Endorsm^t^ made by the Vpper howse. This howse doe iudge th^t^ such an Act, will uery much discowrage Merchants trading into these parts, & therefore doe thinke it unnecessary to make any such Law.

Maio^r^ Thomas Brooke appoynted to present this Bill, w^th^ this howses sence thereon, to the Vpper howse.

This howse doe declare That the 3600ˡ Tob wᶜʰ the Leiuᵗ Debʳ for to the publike, doe still remaine in for what hee payd Willᵐ Smyth, out of his emᵗ for building of the Secretaries Office. L. H. Journal 1666 p. 86

to accept thereof.

now in the Leiuᵗ Grālls hands, The would please to dispose thereof, to the Counties, to bee imployed for the good of rection agsᵗ Jnuasion of Indians.

oke pʳsent the same to the Leiuᵗ Grālls owne

[*One line missing*]

howse, & brought wᵗʰ them their them, Touching the Act for

[*One line missing*]

appoynted by both howses of Assembly for the Quietting Possesⁿˢ

As Lᴾˢ Exceptions in relaōn to Orphans. Jt is most certaine, thᵗ the Orphane of the Deuizee will bee most wronged, his predecessoʳ hauing bona fide payd for the same. And by this reason is answered the Grāll exceptions of his Lᴾ Vizᵗ That there would have greater inconueniences hapned, in case such Course had not bene taken. Though wee graunt, That as to the Rule of the Law of England it may seeme somthing strange (Though att that time, to our owne quiett, & the iustnes of the Generall cause of Our Country, wee fownd it good reason.) Except that of his Lᴾˢ Exceptions in the Land held by Pattent. Wᶜʰ wee doe humbly pʳsent to the Two howses for amendmᵗ, & that it may bee amended in these tearmes. Prouided thᵗ this Law, nor any thing therein contayned bar not the Lᵈ Proprietary &c: for their Claime to any Lands in this Province whatsoeuer. Wᶜʰ being Read.

The Lower howse doe Concurre wᵗʰ the Report of the Committee.

Ordered thᵗ Willᵐ Caluert Esqr present this howses Concurrance, in order to the Report of the Committee, to the Vpper howse.

The Leiuᵗ Grāll recommended a paper to the speaker from the Vpper howse. Jn wᶜʰ the Vpper howse were of Opinion p. 87 all the Lawes of this Prouince in some dissoluōn of this Assembly, should be fayre in parchmᵗ, & transmitted wᵗʰin this Prouince. ffor wᶜʰ the pownds of Tob allowed him by each County the dissoluōn or prorogaōn of all by writt doe transmitt the Lawes to for Publicaōn.

Wᶜʰ paper the Speaker co doe Concurre therewᵗʰ, Prouided pectiue Counties, before the next

Ordered thᵗ Willᵐ Caluert Esq

Came Coˡˡ Willᵐ Euans from to the Speaker, Con-

L. H. Journal 1666

cerning the Killing by the English up in Baltemore County, belonging to the

On the backside of w^ch^ Pet^n^ is thus.

This howse doe thinke fitt, that the Commis^rs^ of Baltemore County doe make Enquiry after the Death of the Two Indians in this Pet^n^ mentioned. And report the matter of ffact to the next Prouinciall Court. And th^t^ the Provinciall Court bee impowred by this Assembly to proceed according to Justice & Articles w^th^ the s^d^ Indians made att Delaware

John Gittings Clr

Vppon Reading of w^ch^ Pet^n^ The Lower howse doe Concurre w^th^ the Vpper howse in this matter.

Will^m^ Bretton Clk.

Ordered th^t^ M^r^ Will^m^ Coursey p^r^sent the same to the Vpper howse.

The howse adiorned by the Speaker 'till tomorrow morning 8 a Clock.

Twesday 1^st^ May 1666. 8 a Clock.

The howse Called All p^r^sent (Except M^r^ Rich: Preston as afore)

Will^m^ Calvert Esqr motions the howse, That whereas there

p. 88 last night by Edward Erberry to the disturbance their quiett & rest. Hee humbly requesteth the of, & to proceede eyther by presentm^t^ seeme best. And prayeth that itt bee into their Consideraō̄n & debate.

informes th^t^ Edward Erberry did call the Rogues &c:

informes th^t^ Erberry called the whole

[*One line missing*]

how th^t^ Erberry sayd wee were a the Lower howse, And were a wee came.

That amongst a greate Company Erberry sayd, That Charles Caluert was a Rogue

Will^m^ informes how th^t^ Erberry sayd in his hearing, wee (viz^t^ the Assembly) were a Company of pittifull Rogues. And th^t^ uppon a Reply M^r^ Caluert made to him, the s^d^ Erberry p^r^sisted, saying, Yow are a Company of Rogues & Puppies & there is not one in the Country deserues to keepe mee Company but Charles Caluert, who owes mee Ten Thows^d^ pownds of Tob.

M^r^ Richard Smyth informes how th^t^ this morning when Erberry awaked, the s^d^ Erberry complayned hee was bownd. That hee remembred all what hee sayd last night. & that hee

was not drunke. & in a Threatning manner sayd, hee would remember those th^t^ bownd him. L. H. Journal 1666

The abuse th^t^ Edward Erberry gaue to the Leiu^t^ Grāll, & to this Assembly last night, being taken into Consideraōn. And uppon a full debate thereon in this howse. They doe Judge the same to bee a scandall to the L^d^ Proprietary, his Leiu^t^ Grāll, & to both howses of Assembly, & a greate reflexion uppon the whole Prouince in generall. And therefore unanimously Voted by this howse That the s^d^ Erberry bee brought before this howse to giue answere to whatt hee shall bee p. 89 charged w^th^ in relaōn to those informaōns

Sheriffe Ordered to bring Edward Erberry

Who being brought into the howse ker Concerning all those words spoaken remembers none of those words, as that hee was in drinke. And being ken this morning (w^ch^ were averred sayes. Hee remembers not th^t^ euer hee

W^ch^ answere being taken into the same alltogether unsatisfactory take aduantage by drunkenness

Whereuppon this howse doe of to the Vpper howse. That the their resentm^t^ of the same. And cessary to bee done w^th^ the s^d^ Erberry ishm^t^ or otherwise, for this howses Concurrance Will^m^ Bretton Clk

Ordered th^t^ M^r^ Will^m^ Coursey present the same to the Vpper howse.

M^r^ Henry Coursey came from the Vpper howse, & presenteth a Bill to the Speaker, Intituled An Additionall Act Limitting Seruants times.

Was read the s^d^ Act: That Act read againe Twice read. And w^th^out further reading ordered to Passe to Engrosm^t^

Co^ll^ Nath: Vtye appoynted to p^r^sent the same to the Vpper howse.

M^r^ Thomas Trueman came, & desyred th^t^ M^r^ Rich: Blunt & M^r^ Nich: Pickard come to the Vpper howse.

And Instantly another Messenger came from th^t^ howse & requested this whole howse to attend the Vpper howse, Concerning the busines of Edward Erberry. Erberry being then called into the Vpper howse.

The Speaker w^th^ the maior part of this howse departed to the Vpper howse.

Who soone returned.

Then M^r^ Thomas Trueman came from the Vpper howse & presenteth his ensuing. Viz^t^

The Vpper howse doe order, That Edward Erberry by tyed to the howse of Assembly, & bee there publikly p. 90 back w^th^ thirty nine Lashes And that the sheriffe nded

L. H. Journal 1666

to apprehend the s[d] Erberry, & see And th[t] the s[d] Erberry doe pay the s[d] sheriffe of his Custody, & further Ordered th[t] the brought into both howses of As-

John Gittings Clr.

consent & agree to the order of the Vpper

Will[m] Bretton Clk.

p[r]sent the same to the Vpper howse.
hee brought back the fores[d] Order
[*One line missing*]
Speaker till 2 a Clock
[*One line missing*]
after noone.

Edmund the howse for his officiating & writting for the Committee. And was allowed 400[l] Tob

To Peter Carwardin Dorekeeper of the Lower howse 600[l]
To M[r] John Lawson Dorekeeper of the Vpper howse 600[l]

Co[ll] Nath: Vtye being sent on a Message by the Speaker to the Vpper howse. Returnes & brought downe w[th] him a Bill Jntituled An Act for publicaō of all Lawes w[th]in this Province for the future.

Was Read the s[d] Act. And putt to the Vote.

Not Passe, as it lyes. Yett prouided this Bill bee made a Temporary Law, this howse will consent.

Ordered th[t] M[r] Will[m] Coursey p[r]sent the same to the Vpper howse.

Who returnes & brought an Order from the Vpper howse

That John Gittings bee allowed his ffee as Clerk of the Vpper howse in Erberrys busines } 308[l] Tob.
That M[r] Will[m] Bretton Clerk of the Lower howse bee allowed } 216[l]
To M[r] ffitzallen for Erberys tearing of his shirt 100[l]

in all 624[l] Tob.

p. 91 To Alexander Marwell for his dilligence in the Burgesses to bee payd him out of the uy, in Talbott County
To M[r] Will[m] Bretton Clerk

Was Read the Pet[n] of John Gittings of Assembly praying allowance & cons & care for transcribing & Engrossing as Likewise the Articles w[th] the Indians ffor w[ch] this howse doe a

M[r] Henry Coursey came Act for publicaō of all Lawes

Was read the sd Act ffor Publicaō porary. & Voted to Engrossm[t]

Was read An Additional iages

That Act read Againe. Passed Engrosm^t^ L. H. Journal 1666
Ordered th^t^ M^r^ Will^m^ Coursey p^r^sent those two Bills now passed to Engrosm^t^ & allso the Pet^n^ of John Gittings, to the Vpper howse.

Was read the Pet^n^ of Daniel Jennifer in behalfe of Jerome White Esqr Surueyo^r^ Grāll of this Prouince. Whose Attorney the sayd Daniel Jennifer is. The sence of the Vpper howse to the sayd Pet^n^ is thus (Viz^t^)

The Vpper howse desyres, th^t^ the Lower howse bee pleased to take this Pet^n^ into their Consideraōn. The Act to w^ch^ the said Pet^n^ relates, hauing come originally from that howse.

John Gittings Clr.

Vppon Reassumption of that Act for the Regulating all future Suruey's. The Lower howse all willing That a Clause bee added to that Act, Prouiding th^t^ all persons (for whom the Surueyo^r^ shall Lay out any Land) shall bee att the Charge themselues for marking the s^d^ Land rownd, & for other necessary attendance on the Surueyor; And are not willing in any other Clause to alter the s^d^ Act.

Will^m^ Bretton Clk.

Maior Thomas Brooke present to the Vpper howse p. 92
in Relaōn to the Act for Regulating all fu-
[*One line missing*]
into this howse, & humbly acknow- howse for-
gyuenes. & then departed.

Pet^n^ of Daniel Jennifer praying for , to bee confirmed to him & his w^ch^ Pet^n^ is thus. (Viz^t^)
thinke fitt that there bee Layd out of the Countries Land to bee aves. John Gittings Clr.

howse will consent th^t^ the Pet^r^ bee a wherein such part of the Countrys Land, wh shall appoynt, to bee Leased to him for yeares & noe longer. Prouided the s^d^ ffowre Acres bee Layd out soe neare the Ordinary howse, or Secretarys office, as to preiudice eyther the Office, or the Ordinary orchard & gardens thereto belonging.

Will^m^ Caluert Esqr the Messenger to present the same to the Vpper howse. Who returnes & brought downe w^th^ him the Generall Ordinary account, a little before sent from this howse, requesting that howse to examine the rates there Charged. To w^ch^

The Opinion of the Vpper howse herein is That they thinke Cent p^r^Cent profitt Enough for the s^d^ Will^m^ Smyth. & doe desyre the Lower howse to Examine the rates.

John Gittings Clr.

L. H. Journal 1666 Ordered th^t^ Cap^t^ James Neale, M^r^ Richard Smyth, M^r^ Thomas Thorowgood & Co^ll^ Gerard ffowke bee a Committee to Examine the accounts of Will^m^ Smyth, relating to the generall account, as to the rates of Wine, & other Liquors, Sugar, & all other Materialls charged in that account. And to make Report to this howse, what hee hath charged over & above Cent p^r^Cent profitt according to the best of their Judgm^ts^ & p. 93 information, & tomorrow morning 9 a Clock.

The howse adiorned by the Speaker 'till morning 8 a Clock.

Wednesday 2. May 1666

The howse called all p^r^sent. (Except

The Committee came into the howse poynted, & presents according to them, their Report. W^ch^ is as followeth

The Committee hauing perused giue our Report.
ffor wine p^r^gallon 060^l^
ffor Brandy p^r^gallon 120
ffor Beere p^r^gallon 18
ffor Rum̄ p^r^gallon 080
ffor th^t^ sort of drinke called L p^r^gallon 16^l^ Tob. That is to say, ffor each pownd of sugar 10^l^ Tob. & for Lyme water ½ a pynt (w^ch^ is the quantity wee iudge may bee allowed to each gallon) 4.^l^ Tob.
ffor Beuerage w^th^ sugar in it p^r^gallon 14^l^ Tob.

M^r^ Thomas Trueman came from the Vpper howse & returned an Act Intituled An Act for Repeale of part of a Branch of an Act, Concerning an Addition to the Secretaries ffees.
Was read the s^d^ Act. And putt to the Vote. Voted In the Negative, by the Maio^r^ part, not to passe.

Vppon the Reassumption of this Bill. The Lower howse uppon further debate, doe thinke it very unreasonable to Repeale the Clause, or Branch mentioned in this Bill.
Will^m^ Bretton Clk

Ordered th^t^ M^r^ Will^m^ Coursey p^r^sent the same to the Vpper howse.

Vppon the Report of the Committee afores^d^ Will^m^ Smyth was sent for to the howse. And their Report being read to him. Hee in answere, sayes, That hee made noe bargaine for any of his Liquors

And Wee having now made use of his range th[t] now wee should putt a rate uppon them. L. H. Journal 1666 p. 94

came from the Vpper howse & presenteth (Viz[t])

Indians 7 dayes, 3 meales day for each Indian	4620[l]
Indians 7 dayes att 2 p[r] day each Indian	2240[l]
sum̄e Totalis	6860.

us.

Acct unresonable. Ordered th[t] howse.

John Gittings Clr.

w[ch] was read in this howse. th[t] Thows[d] pownds of Tob is sufficient tion, for the Accomodaō̄n of the Indians, & soe much & noe more.

Ordered th[t] M[r] Will[m] Coursey present this howses answere to M[r] Nutthalls acc[t], the Committees Report, & Will[m] Smyths acc[t] to the Vpper howse. W[th] all to request th[t] howse to remand th[t] acc[t] of Will[m] Smyths to this howse, after they haue perused the same. To the end this howse may make some Conclusion therein, w[th] the s[d] Smyth.

M[r] Henry Coursey came from the Vpper howse & presented a Bill to the Speaker Jntituled An Act for Reuyuing of Certaine Lawes w[th]in this Prouince.

Was Read the s[d] Act for Reuyuing &c:

Ordered th[t] M[r] Richard Smyth goe to the Vpper howse, & desyre to know of the Leiu[t] Grāll how th[t] 25[l] Tob. p[r] pole allowed by this howse, shall bee payd in the Cessaō̄n yeare. And whither hee please to accept of the same out of the product, or manufactures of this Prouince. Yea or noe?

Who returnes, & Certifyes, That the Leiu[t] Grāll Leaues the same to this howses Consideraō̄n & order.

Ordered th[t] M[r] Richard Smyth, M[r] Rob rowgood & M[r] Will[m] Coursey bee of a Co for Reuyuing of Certaine Lawes &c: Whither pye of those Acts presented here to bee r are in th[t] Bill conteyned yea or noe? the Body of the Lawes. & then make their p. 95

The Committee went uppon

M[r] Thomas Trueman came from following as Touching the A of

Vppon the Consideraō̄n of the Acc[t] howse, This howse doe iudge it pownds of Tob of the Thirteene Tob by him demanded. And f that Ordinary keepers shall sell a Committee appoynted for stating that busines

Lower howse to concurre w[th] them in it for avoyding further

John Gittings Clr.

L. H. Journal 1666

Ordered th^t^ Co^ll^ Nath: Vtye, Maio^r^ Thomas Brooke, & Cap^t^ James Neale bee a Committee to regulate the seuerall Counties Acc^t^ w^th^ the Ordinary, this Assembly. And to draw up a Bill for the paym^t^ of the Leiu^t^ Grālls 25^l^ Tob. p^r^ pole in the Cessaōn yeare. And th^t^ they make a Report of the matter, as to the account: & p^r^sent this howse w^th^ a Bill, as to the other.

This Committee went allso uppon their Charge.

The first Committee came, & make their Report. (Viz^t^)

The Committee comparing the Temporary Lawes w^th^ the Act, sent from the Vpper howse, doe find them to agree w^th^ their former Report.

Was read againe An Act for Reuyuing Certaine Lawes &c: Passed by all & to bee Engrossed.

Ordered th^t^ those ffowre, of the former Committee now in the howse, draw up a Bill for Regulating All Ordinary keepers in this Province de futuro; As to their rates of Liquors, Dyett, & Lodging &c:

Who accordingly went uppon their Charge.

The other Committee sent in a Bill Jntituled, An Act for

p. 96 Tob. per pole, in the Cessaōn yeare, to the Leiu^t^ Grāll. s^d^ Act. Read againe & Passed by all.

adiorned by the Speaker 'till 2 a
after noone.

after noone.

p^r^nt (Except M^r^ Preston as formerly er Committee.)

liberty to absent himselfe for a quar-

[*One line missing*]

presenteth his Pet^n^ to the speaker Ordinary keepers, drawne & pre-

[*One line missing*]

Passed by all.

present these three Bills (Viz^t^)

An Act Lawes &c: An Act for paying 25^l^ Tob. in the

An Act Limitting Ordinary keepers to the Vpper howse. And to request of the Leiu^t^ Grāll when hee please to appoynt the Day of Sessions. ffor th^t^ this howse hath now nothing att all before them.

Who returned, & deliuers th^t^ hee hath presented those three Bills. And th^t^ the Leiu^t^ Grāll appoynts to morrow morning the Day of Sessions.

Will^m^ Caluert Esqr made his appearance.

Ordered th^t^ Will^m^ Caluert Esqr, M^r^ Will^m^ Hambleton, M^r^ Richard Beard, & M^r^ Richard Blunt Joyne themselves to the other Committee (Viz^t^) Cap^t^ James Neale, Co^ll^ Nath: Vtye, &

Maior Thomas Brooke for the Regulating the Ordinarys Account: They being now One out of Euery County. L. H. Journal 1666

Was read the Petn of John Nutthall, in breife saying, That hee is not satisfyed, wth the summe allowed him from this howse of 2000l Tob hee Allowing those Indians once a day wth flesh And therefore prays for his whole sume in his Acct mentioned.

Vnder wch Petn is thus.

Ordered that this Petn bee sent to the Lower howse p. 97
red. to consider thereof. John

Vppon Reassumption of the sd Petn Vpper howse, & Putt to the Vote. This iudge tht they ought not to allow the

Ordered tht Mr Willm Coursey prsent

Willm Caluert Esqr came from the haue it from under the Clerks hand Mr Speaker answered him that the cient warrt for him. But hee

The speaker appoynted mittee, willing them to proceed if tht Willm Caluert Esqr would will take notice of his refusall, of theirs allso.

Who returnes & Certifyes Committee had allmost finished tht busines, well

Vppon Debate againe of the Ordinarys Acct This Howse is willing to allow Willm Smyth his Acct, wch hee hath charged the Burgesses this Assembly for Liquors: As Wine, Rumme, Brandy, Punch, & Liminade made wth Wine. But tht wch hee calls Liminade wthout strong drinke they will allow only 25l pr gallon. And as to their Dyett & Lodging they will allow what they iustly may be charged wth all, & noe more.

The howse adiornes for an howre.

The howse mett againe.

The Committee came into the howse & make report That they thinke good to allow the Ordinary Accts, as they are charged, only that wch they haue not had, they will not allow. And the Vote of this howse being read to the Committee, iust before the Adiormt, They agree thereto, As to the Liminade. The Committees Report agreeing therewth, only in the Liminade afores.

Willm Smyth being sent for into the howse. The Speaker
tify the Accounts according to the Order of this p. 98
Liminade, dyett, & lodgings. And prsent them to to
morrow morning.
ber of the howse. Whither it bee ne- Cessaon
bee Voted over againe in this

[*One line missing*]

L. H. Journal 1666

the Maior Vote. Then

the Speaker 'till to morrow
a Clock.

1666. 6 a Clock.

(Except Mr Rich: Preston as afore)

Richard Blunt to call Willm
[*One line missing*]
brought his Accounts, according as hee was
de Concerning the Act passed this howse Jntituled An Act for the Publicaōn of all Lawes wthin this Province. This howse uppon some Consideraōn thereof had, Mr Speaker ordered Mr Willm Coursey to goe to the Vpper howse, & request tht that Bill bee remanded hither, to alter something therein, as to the Terminaōn.

Who returnes, & brought downe tht Act aforesd And according to the Vote of the whole howse Those Last words for the Terminaōn were razed out; And then to stand as it is in terminis. The same Messenger further certifies the Speaker, That the Chancelor much feares, hee shall not haue parchmt Enough to comply wth that Act. But sayth That the Lawes shall bee fayrely written in a Booke bownd up in parchmt for the present. And as to the future, hee will provide according as is prescribed.

And the whole howse rests satisfyed therewth.

Then putt to the Vote whither the Chancelor deserves to bee Considered for his greate industry, care service, & Continuall
p. 99 vigilancy not only respecting the Lord Prop Province in generall.

And Voted that hee ought to bee
Then was read this following P
To the Rt honble the Leiut Grāll

Howse of Assembly now
The humble Petn of

Sheweth, That Mrs Hannah Price & soe continues still in yor Petrs h greate charges out of purse way finding any Estate of to satisfye yor Petr Humbly into yor serious Consideraōn. wisdomes yu shall thinke fitt &c:

Vnder wch is thus.

The Lower Howse is desyred duly to Consider this Petn
John Gittings Clr.

The acc^{t} followes (Viz^{t}) L. H. Journal 1666

Charges of M^{rs} Hannah Price committed Prisoner into my hands the 10th Octob^{r} 1665.

To her dyett & Lodging 8 dayes att the Court howse	240^{l}
To a man to watch & guard her & his dyett 8 dayes	240
To imprisonm^{t} 8 dayes att 20^{l} p^{r} day	160
Jan: 2^{d} To her dyett & Lodging 6 dayes att the Court howse	180
	820

To her imprisonm^{t} from the 18th Octob^{r} till 1^{s} Aprill. Octob^{r} 13 dayes. Novemb^{r} 30 dayes, Decemb^{r} 31 dayes Jan: 25 dayes ffeb. 28 dayes. March 31 dayes.

Is in all 158 att 20^{l} p^{r} day	3160
To her dyett Lodging &c: for 158 dayes at 10^{l} per day, being att my howse the s^{d} 158 dayes	1580
More for her imprisonm^{t} from 1^{o} Aprill to this 3^{d} May being 33 dayes att 20^{l} p^{r} day	0660
Sum. Tot.	6220

John Lawson Shr.

this howse is That if the Lawes of this Pro- p. 100
sufficiently provided for the sheriffs satisfaction, haue,)
for such infamous Creatures. arty have mentioned to
worke for howse shall adiudge a Competent

Will^{m} Bretton Clk.

M^{r} Robt^{t} Slye, M^{r} Will^{m} Coursey Richard Blunt, M^{r} Thomas Thorowgood a Committee, to draw up the Act ences, relating to the Vpper & p^{r}sent the same to this howse soe

[*One line missing*]

returned, & according to their Charge tuled An Act for the Burgesses Expences Charge.

Was read the s^{d} Act. That Act Read againe, & Passed by all.

Ordered th^{t} M^{r} Rob^{t} Slye p^{r}sent the same to the Vpper howse.

Who returnes & certifyed the speaker th^{t} the Leiu^{t} Grāll told him, That soe soone as they had read th^{t} Bill they would returne answere.

M^{r} Thomas Trueman Came from the Vpper howse & certifyed the Speaker th^{t} That Last Bill Concerning Burgesses Expences was passed & assented unto by their howse. And further th^{t} the Leiu^{t} Grāll & Councell were intended to come into this howse (by reason of the Largenes of the Roome) & here read over the Lawes now to bee Enacted.

L. H. Journal 1666

And the Speaker answered saying, This howse is att all times ready most willingly to attend & wayte the Leiu^{t} Grālls & Councells pleasure.

The Messenger returnes. And Instantly the Leiut Grāll & Councell Came, & taking their places.

p. 101 The severall Lawes agreed on this As & Twenty in number) were read over by Vpper howse. W^{ch} being ended The Leiu^{t}. Enacting them for Lawes in the Lo

And then dissolved the Assembly

Ex^{r} Will^{m} B

[*One line missing*]

Liber W H & L p. 29

Acts made att a Sessions of Assembly begun Aprill the Xth MDCLXVJ By the Hon^{ble} Charles Calvert Esq^{r} Gouernour—

An Act prohibiting Trade with the Indians for any Flesh dead or alive except deer and wild Fowle—

Whereas sundry Complaints haue been made by severall Inhabitants of this Prouince alleadging that the Indians under pretence of killing wild Hoggs doe Hunt and drive away their Tame Hoggs and Cattle and doe moreouer Sell and Trade with the Inhabitants of this Prouince and likewise with forreigners and strangers for beefe and Porke And whereas there is an Act already Provided which is thought Insufficient Bee itt Enacted by the Right Hon^{ble} the Lord Proprietary by and with the Assent of the upper and lower house of this present Generall Assembly That noe person or persons whatsoever either Forreigner or Inhabitant shall buy Trade or Barter with any Indian or Indians whomesoever for any flesh dead or liveing Except venison or wild fowle upon penalty of five Thousand pounds of Tobacco the one moyty to the Lord Proprietary the other to the Informer or to him or them that shall sue for the same the said fine to be Recovered in any Court of Record within this Province by bill plaint or otherwise wherein noe Essoyne Protection or wager of Lawe to be allowed this Act to Continue for three yeares or to the end of the next Generall Assembly—

An Act for appoynting Corroners in each respective County

Whereas there haue many Inconveniencyes happned in this Province for want of appoynting Coroners in each County Bee itt therefore Enacted by the Right Hon^{ble} the Lord Proprietary
p. 30 of this Province with the assent of the upper and lower house of This Generall Assembly That the Hon^{ble} the Leivtenant

Generall for the tyme being doe Constitute and appoint such person or persons from time to time to be Coroners as he shall Iudge most able and best qualified for that office in each respective County in this Province And Bee itt further Enacted that the Lievtenant Generall give out Comissions to such persons to the Intent and purpose as aforesaid And that the same as neere as may be may Concurr with the Lawes and Constitucōns of England And that an Oath be administred to every such Coroner by appointment of the Lievtenant Generall att their Entring into the said office according to the forme of the Oath of a Coroner in England Liber W H & L

An Act for Confirmacōn of the Articles of Peace made with the Indians

Whereas by Articles of peace drawn and Concluded on by the grand Comittee of both houses of this present Generall Assembly and the twentieth day of Aprill one thousand six hundred sixty six signed by the Hon^ble^ The Gouernour and as many of the great men of Pascattaway Anacostanck Doages, Mikikiwoman, Manasquesend Mattawoman, Chingwa,Wateick, Nangemaick, Portoback, Sacayo, Pangayo and Chopticoe as were present with a limitacōn of tyme for the Absents to come in and signe the said Articles peace and Amity was and is Concluded on much for the Comon good and security of the people of this Prouince and the Honour of the Lord Proprietary with the advice and Consent of the upper and Lower house of this present Generall Assembly That the aforesaid Articles dated the twentieth of Aprill one thousand six hundred sixty six be Inuyolably kept and preserved according to the true intent purport and meaning of them and for the preservation of the people of this Province and honor of his Lordship and the English Nacōn which will vndoubtedly Suffer by breach of faith even to a Heathen

An Act prohibitting Forreign Ingrosers

Whereas divers masters and Merchants of Shipps and other Vessels tradeing into this Province doe purchase great quantityes of Tobacco and afterwards. imploy the same Tobacco in buying Comodities Imported and either sell the said Comodities to the Inhabitants of this Province att Excessive Rates or Export the said Comodities to the great losse damage and detryment of the Inhabitants of this Prouince Bee itt therefore Enacted by the Right Hon^ble^ the Lord Proprietary by and with the advice and Assent of the upper and Lower house of this present Generall Assembly That noe person or persons soe

Liber W H & L p. 31

tradeing as aforesaid into this Province shall buy and sell again or Transport any such goods Imported Provisions and other Necessaryes onely Excepted vpon the penalty of forfeiting all such goods or the value thereof the one halfe to The Lord Proprietary the other halfe to the Informer to be Recovered in any Court of Record within this Province by bill plaint or Informacōn wherein noe Essoyne Protection or wager of Lawe to be allowed this Act to Endure for three yeares or to the end of the next Generall Assembly—

An Act prohibiting Comissioners sherriffs and Clarkes to plead as attorneys in their Respective County Courts

Whereas many Inconveniencyes have happened to divers persons within this Province by meanes of Comissioners Sherriffes and Clarkes pleading as attorneys in their Respective Courts wherein they bear office for prevencōn whereof for the future Bee itt therefore Enacted by the Right Hon^ble^ the Lord Proprietary by and with the Assent of the upper and Lower house of this present Generall Assembly That from and after the Publicacōn of this Act no Comissioner Sherriffe or Clarke of those Courts wherein they bear office shall plead as Attorney for or in behalfe of any person or persons att that tyme Resydeing or being within this Province vpon the Penalty of three thousand pounds of Tobacco the one one moyety to the Lord Proprietary the other moyety to the Informer or him or them that shall sue for the same The said Fine or Fynes to be Recovered in any Court of Record within this Province by bill plaint or informacōn wherein noe Essoyne proteccōn or wager of Lawe to be allowed.—

An Act Prohibiting the office of Clarkes and Sherriffes to be officiated att one and the same tyme by one and the same person

Whereas itt hath been found very prejudiciall to the Inhabitants of this Province that divers persons haue officiated both the office of Clarke and Sherriffe which hath Occasioned many Inconveniencyes Bee itt therefore Enacted by the Lord Proprietary by and with the Assent of the upper and lower house of this present Generall assembly That from and after the Publicacōn hereof that noe person or persons whatsoever shall officiate or hold both the said offices either by himselfe or his Deputy att one and the same tyme within this Province vpon the penalty or forfeiture of tenn thousand pounds of Casked Tobacco the one moyety to the Lord Proprietary and the other to the In-

former which shall be Recovered by way of accōn bill plaint or Informacōn wherein noe Essoyne protecc̄on or wager of Lawe shall be allowed— Liber W H & L

An Act for the Publicacōn of all Lawes within this Province for the future— p. 33

Forasmuch as many new Lawes have been made this present Assembly wherein the welfare of the good people of this Province is much concerned and divers old Lawes not Sufficiently provideing against the offences by them to be punished have been made more penall To the end many people of this Province evilly disposed may be deterred from evill doeing And that notwithstanding all the Lawes intend that every person in this Province is bound to take notice of what is passed in the Assembly because every person is there present in their representacōns yett your Lordships two houses of Assembly very well knowing that your Lordship desires not the destruccōn of the very worst of the people of this Province nor that they should be overtaken by an intendment in Lawe in a penall Act though not at all too severe for the misdeeds it intends to punish doe pray that itt may be Enacted And Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary with the advice and Consent of this present Generall Assembly That from henceforward all the acts that shall passe from this and all other succeeding Assemblyes shall be from tyme to tyme fairely transcribed into parchment And by writt vnder the great seale of this Province from time to time to be passed by the Chancellor for the tyme then being to the Sherriffe of each respective County be transmitted and Comandment to them in the said writts shall be given as well the said Acts in their severall and respective Countyes in what places to them shall seeme most Convenient to publish and Proclaime as the said Acts of Assembly to see firmly observed and kept and be itt further Enacted that every severall and Respective County shall from tyme to tyme pay vnto the Chancellor for the tyme then being for such Transcript of the Lawes and writt vnder the greate Seale as aforesaid the sum̄e of two thousand pounds of Tobacco p. 34

An act for Recording the Jour^ll^ of the lower howse P. R. O. Colonial Entry Book No. 53

Whereas itt it is thought good for the benefitt and inlighting of Future Assemblies that a Record bee kept of all proceedings that shall pass in the Lower house of Assembly in this Province Bee itt therefore Enacted By the R^t^ hono^ble^ the Lord Proprietor

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by and with the assent of the vpper and lower house of this present Generall assembly that the Clk of the lower howse for the time being transcribe the said Journall within two months after the the dissolucõn prorogacõn or Adjournm^t of the said ass^bly deliver the same into the Secretarys office vpon the penalty of 500^li pounds of tob. to the Lord Prop^r and the loss of his Sallery for his Service in that assembly the said ffine & forfeiture to be Levied vpon the said Clk by appointm^t of the Leiv^t Generall or Governo^r of this province for the time being vpon Certificate from the Secretary of this Province for the tyme being that the said Journall as aforesaid is not by the Clk of the Lower howse delieered into the Secretary's Office as aforesaid And be it hereby further Enacted by the Authority aforesaid, that the Secretary of this Pro: for the tyme being shall hereby be enjoyned to examine the Secretary's Office touching the Purport of this act and make certificate to the Governo^r or Leivtenn^t Generall for the tyme being that thereby the fine and forfeiture aforesaid may the more duely be Levyed

An act for making high wayes & making the heads of Rivers, Creekes, Branches and Swamps passable for horse and ffoote

Whereas itt is thought Convenient & very much for the benifitt of the Inhabitants of this province that waies and pathes be marked, the heads of Rivers, creekes and branches be made passable Bee it therefore Enacted by the R^t Hono^ble the Lord Prop^e by and with the consent of the vpper and Lower howse of this present Generall assembly that the Commiss^rs of each County shall once this yeare (vizt) vpon the 20^th day of October next ensuing meete together in their Respective Countyes to consult of what high wayes are most fitt to be made and cause to be marked out the most Convenient high waies and pathes through their Countyes as alsoe to make passable for horse and foote the heads of Rivers Creekes Branches and Swamps that are most Convenient and neerest adjoyning to such highwaies or necessary Paths and the said Commissioners are hereby Impowered to appoint overseers, Leavy tobacco or Labour equally to be assessed vpon the taxables of each Respective County to carry on the said work to begin some time this present yeare and to be finished the last of March 1668. Provided that this act shall not be to the apparent damage of any perticuler person by makeing or marking any high way or path through his Yard, Garden, Orchard or Cornefeild and upon neglect of the said Commiss^rs for appoynting Overseeres and providing Labourers for the performance of the said works they shall be fined 4000^li of Casked tobacco

And every overseer so appointed by the Com^rs who shall Refuse or Neglect the performance of his duty in his charge shall be fined 2000^l of Casked tobacco & every Laborer who shall refuse or neglect his labour shall be fined 1000^l of Casked tobacco the one halfe of their ffines to be to the Lord Prop^rs the other to the Informer or him or them that shall sue for the same the said Fine or Fines to bee Recovered in any Court of Record within this Province by Bill plaint or otherwise wherein noe Essoyne proteccon or wager of lawe to be allowed. P. R. O. Colonial Entry Book No. 53

An act Concerning Outlawry

Whereas there hath been no Law in this Province hitherto prescribing a Rule how or w^ch way the Cowrts of Judicature should proceed to Outlawry either in Civell or Criminall matters, for want whereof Sundry Inhabitants of this Province have been much Greived The Burgesses now assembled doe therefore pray that it may be Enacted, And be it Enacted by the R^t hono^ble the Lord Proprietor of this Province by and with the Assent and approbacōn of the vpper and Lower house of this present Generall assembly That the Lawes of England to that purpose be allowed and put in Execucōn and practise in this province That is to say if the ꝑson by writt Summoned appear not vpon the writt of Capias out of the County Courts that then a writt of Alias be awarded out of the said Courts, and if no appearance vpon that writt then a writt of Pluris to issue out of the said Courts, And if the party appeare not vpon th^t writt then a writt of Exig^t to issue out of the said Court. And if such person appeare not vpon that writt of Exig^t Then the Coroner shall out-lawe every such person not appearing (as is prescribed in this act according as the lawe of England hath in such Case Provided if thereunto required.

An Act Explaining the Act intituled an Act for the Must^r Mast^r Gen^rlls ffees

Whereas it is found a Reall aggreviance to the Inhabitants of this Province that all Slaves of what age or Sex whatsoever & other persons imported into this Province above the age of 10 yeares have been included in the Muster Mast^r Generalls ffees by vertue of an act made at S^t Maries the 1^st of Aprill one thousand six hundred Sixty two concerning taxable persons which makes no provision for such as ought to be taxable to the Muster Mast^r Gener^ll Bee it therefore Enacted by the R^t hono^ble the Lord Prop^r by and with the Consent of the Upper and Lower house of this present Generall Assembly

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that noe slave what soeu^{r} nor any other person under the age of sixteene yeares or above the age of 60^{ty} or impotent shall be accounted Taxable to the Muster Master generall any Law Customs or Usage to the contrary hereof not wthstanding And that the Sherriff of each Respective County shall once every yeare in time convenient take an Accompt of all such persons taxable persons to the Muster Master & signify the same to the Governor and Councell And if the said sherriff shall neglect to give a true accompt according to the true intent of this act he the sayd sherriff shall be fined 1000^{l} of Tobacco and Caske the one halfe to the Lord Prop^{r} the other halfe to the Informer or him or them that shall Sue for the same in any Court of Record within this Province to be Recovered by bill plaint or Informac$\bar{o}$n wherein noe Essoyne protection or wager of Lawe to be allowed.

An Act for the Impowering the Governo^{r} & Councell to make warr or Peace wth any Indian Enemy beyond the bounds of this Province

Whereas by the Incursione of Forreigne Indians divers of the Inhabitants have been murthered and many more Suffered great Damage in their Estates to the greate Greviance of the whole Province and disturbance to his Lo^{ps} Peace and the same lykely to continue if speedy Course be not taken for the prevenc$\bar{o}$n Thereof Bee it therefore Enacted by the R^{t} hono^{ble} the Lord Prop^{r} by and with the assent of the vpper and Lower house of this present Generall Assembly that the Governo^{r} and Counc^{ll} for the tyme being from and after the Publicac$\bar{o}$n of this Act be Impowered for the Raysing of men Armes Ammunic$\bar{o}$ns and other necessary accomodac$\bar{o}$ns for the Mannaging of a Warr with any Indian Enemy without the bounds of this Province for the Space of two yeares only and no longer As alsoe for the concluding peace with any Indians according as they shall find most safe and convenient for the Inhabitants of this province during the said tyme any lawe vsage or Custom to the contrary hereof in any wise notwithstanding Bee it also further Enacted by the authority aforesaid that the Governor and Councell are hereby impowered to Levy by equall proporc$\bar{o}$n vpon every taxable person Such Sume or Sumes of tobacco as shall necesaryly arise for the managing of the said Warr or concluding peace as aforesaid.

An Act for the Clks Fees and allowance for Jurors in Civell Causes

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Whereas divers of the Inhabitants of this province have been much burthened by the Cruell exāccons of seu^rall Clks of the Respective Courts w^th^in this province for the ꝑvencōn whereof for the future Be itt Enacted therefore by the R^t^ hono^ble^ the Lord Prop^r^ by and with the assent of the vper and Lower howse of this present generall assembly That from and after the publicacōn of this act no Clk of any County Court whatsoever within this province shall exact any other ffee than is here prescribed (vizt) for the entring any matter vpon Record not exceeding halfe a leafe in the Record books being in folio 8^l^ of tobacco if the matter entred vpon Record not exceeding halfe a side of a leafe 16^l^ of tob. And for every side in folio 16^l^ of tob. for the Coppy of the Record the same fee as for the Recording for any writt warr^t^ or Licence or Certificate 15^l^ of tob. if the writt warr^t^ or licence or Certificate be for more then one then for each 15^l^ of tobacco except for Jurors only for drawing any matter to be putt vpon Record 8^l^ of tob. for every Search of the Record be fore the yeare wherein such Search shall be made for the first yeare beginning the yeare last before Such Search made 4^l^ of tob. ꝑ annū only according to that Explanacōn concerning the Sec^r^tary's fees the second yeare 8^l^ of tob the 3^d^ yeare 12^l^ of tob. for the 4^th^ yeare 16^l^ of tob. and soe accordingly rising after that proporcōn for any longer time past but for the same yeares wherein any such shall be made beginning the 25^th^ day of March the Clks are to Search or permitt the Records to be searched by any of the Inhabitants of this Province Gratis the ꝑty desiring such search being not Impertinently troublesome for any writt for the impanelling of a Jury 30^ty^ ^l^ of tob. And whereas 8^l^ of tob hath been demanded by the Clke for the Entry of every ordinary warr^t^ the Entry thereof being but short the Clks are not hence forward to have any ffee att all for such Entry what Clks soever within this Province shall contrary to the true intent and meaning of this act exact more ffee then is here allowed by this act shall for every such abuse forfeit 1000^l^ of tob. the one 3^d^ to the Lord Prop^r^ one 3^d^ to the ꝑty Greived and the other 3^d^ to the Informer or him or them th^t^ shall sue for the same the said ffine or ffines to be Recovered in any Court of Record within this province by Bill plaint or Informacōn & wherein no Essoyne protecc̄on or Wager of Lawe to be allowed.

Bee it further Enacted by the authority aforesaid th^t^ all Jurors impanelled for the tryall of Civill causes in any Court of Record within this Province shall have 10^l^ of tob ꝑ man for each cause by the soe tryed as afores^d^ And be itt further Enacted by the

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Authority aforesaid that if a writt or Summons issue from the Leivtonnt Generall Chancellor of this Province for the time being or from any Comissnr of the said County Court of this Province respectively who are of the Quor to warne a Jury to attend in civill causes that such Juries so returned by vertue of such writt or Summons & serving as a Jury shall be allowed in the County Court and Prōall Court their other Reasonable charges and loss of time as the Provinciall Court if warned thither shall Judge Reasonable vpon the Jurors request and the like allowance shall be allowed in the respective County Courts in maner as aforesaid over and above tenn pounds of tob p man exprest in the next Precendt clause of this act

This act to endure for 3 yeares or to the end of the next Generall Assembly.

An Act for the Repeale of an act Entituled an act of Incouragmt to Wm Smith in his vndrtaking the Country's Worke att St. Marie's.

Whereas at an Assembly held att St. Maries September 1664 there passed an act Entituled an act of Encouragmt to William Smith in his vndertaking the Country's worke att St. Maries by which the said Smith was enjoyned to build a State house and to thi End was to have a Lease for 51 yeares of the Land belonging to the Country at St. Maries and to have divers Sumes of Tob. to be Raised out of this Province in the Succeeding yeares till 1668 as by the said act Relacōn being therevnto had more att large appeareth And whereas the said Wm Smith by his peticōn to this Assembly deliud desireth to be Released from his obligacōn of Building the sd State house Bee itt Enacted by the Rt Honoble the Lord Proprtr by and with the consent of the uppr and Lower house of this present Generall assembly tht Wm Smith aforesaid shall for and in consideracōn of the Eight thousand pounds of tobacco payd him in the yeare one thousand six hundred sixty foure keepe the Countryes house att St. Maries Tenantable and in Repaire for 7 yeares from the date of that Act and keepe Ordinary in the said house according to the true Instant purport & meanening of the said act. And that all the Rest of that act and every Article and clause therein contayned be and are hereby vtterly Repealed & made null and voyd And for as much as there has been Leavyed foure pounds of tob. p pole vpon this Province this yeare towards the building of the said State house and payd to the said William Smith Bee it further Enacted by the authority & consent and advice aforesaid that the said Wm Smith shall discount the sd 4t tob. p pole vpon the accot of the Expense of this present generall assembly

An Act for building a Prison at St. Maries.

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Forasmuch as due Respect to the Governm^t^ is not given for want of Prisons to restrain Offenders, and persons indebted take noe care for discharging their debts for the same reason Bee it Enacted that there be foure acres of land neerest about the Spring on the East side of St. Maries feild be alotted to build a prison vpon and that there be tenn thousand pounds of tob. raysed out of the province this next ensueing crop to be laid out vpon building a prison vpon the aforesaid foure acres of land And in Regard Raymond Staplefort hath undertaken to build thes sayd prison vpon condic̄n he may be keeper of the said prison during life Bee it further Enacted that the said Raymond Staplefort have the said tenn thousand pounds of tob. payd vnto him he giving Sufficient Security that the said prison shall be well and sufficiently built at St. Maryes sometyme before the 23^th^ of Aprill 1667 and that he provide Irone and all other necessaries for the restraining and safe keeping offenders and that then he have a patent vnder the great Seale of this Province to be Keeper of the said Prison for and during the terme of his Naturall Life. And for the further Encouragm^t^ of him the said Staplefort to build the Prison aforesaid soe necessary for the Adm^con^ of Justice be it further Enacted that all Criminalls accused of any offence whatsoever in any part of this Province the Punishm^t^ of which cann any way touch the person accused in his life or member & not Bayleable by the Law of England shall be by the Justice or Justices of peace before whom he is accused imediately sent by Mittimus to the Prison at S^t^ Maries there to be kept in safe custody till he shall thence be delivered by due Order of Law And for the better Recovering of debts & deterring of Riotous ꝑsons who contract debts out of a confidence of an Impunity of their persons Bee itt also Enacted that every person which shall be taken in Execuc̄n from and after the 23^th^ of Aprill 1667 for any debt or damage recovered in any Court of this province and shall not within eight days after his soe being taken in Execuc̄n Satisfye the party or partys at whose Suite he was taken in Execuc̄n shall by the Respective Sherriffes of the Severall Countys be brought down to the Prison at S^t^ Maries & delivered to the Keeper of the said prison for the time being who from that time of his Delivery shall have all such Fees allowed him for Imprisonm^t^ of Such Offenders respectively as the Sherriffs of the Severall Countyes hithertoe have had and Enjoyed or shall hereafter be lymitted and appoynted to such Sherriffs Provided alwaies that if any other County will be att the charge of a prison within their owne County for the Effectuall restraint of debtors the prisoners of such Countys for any thing not con-

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cerning life or Member shall not be brought to the Prison att S^{t} Maries anything in this Lawe to the Contrary not withstanding Lastly for the greater Security of Cred^{rs} and honor of the Lord Proprietary in the due Execucō̄n of Justice Bee it Enacted by the authority & consent afores^{d} th^{t} aswell the s^{d} Staplefort as all other keepers hereafter of prisons to be Enacted shall give the Governor Sufficient Security for the well & sure keeping of all prisoners comitted to their charge And be itt further Enacted th^{t} if the s^{d} Raymond Staplefort or some other ꝑson whom the Leivtenn^{t} Generall shall thinke fitt to intrust wth the building of a Prison doe not some time before the 10th day of Aug^{t} next give in Security to the Leivten^{t} Generall to build a prison at S^{t} Maries by the 24th of Aprill 1667 and provide Irone as in this act is Required th^{t} then this act shall determine & expire.

An act ag^{t} hogg Stealers

Whereas it appeares by dayly experience th^{t} the former act ag^{t} Hogg Stealers are found not to be sufficiently penall ag^{t} the Offenders Be it therefore Enacted by the Lord Prop^{r} by and with the assent of vpper and Lower howse of this present generall assembly that whosoever shall be proved either as principall or accessary to have Killed any hoggs in the woods vpon a plantacō̄n or otherwise & have Cutt of the eares thereby to deface or otherwise to alter the marke shall be Reputed as a hogg Stealer & suffer as a hogg Stealer And he alsoe that shall Kill in the woods or elsewhere any hogg or hoggs not being his owne and shall Secretly carry them away with purpose to conceale them shall be adjudged a hogg stealer unless he cut of sufficient of the flesh or skin joyning with both eares evidently thereby to demonstrate whose hoggs they were And shall alsoe nayle and hang the same up in publick view for the Space of one whole month att the least And bee itt further Enacted by the authority aforesaid that every person or persons either as principall or Accessary that shall privatily Kill & carry away any young piggs or vnmarkt Shoates not being vpon his owne land or not Sorting or in Company with his owne hoggs shall alsoe be adjudged a hogg stealer And be itt alsoe Enacted by the authority aforesaid that any person or persons that shall be Reputed by comon fame hogg Stealers and having been forewarned by the same owner of the Land and shall yett presume either with dogg or Gunn to hunt vpon the same he or they soe forwarned shall be lyable to pay the Quantity or sum of 1000^{l} of tob. for every such Offence the one halfe thereof to the Lord Proprietor and the other halfe to the owner of such land which shall be Recoverable in any Court of Record in

this Province by accõn of debt plaint bill or Informacõn wherein no Essoyne protecc̃on or wager of law to be allowed Be itt also further Enacted by and with the assent of the authority aforesaid than any person or persons being either Principall or accessary that shall be legally convicted as a hogg Stealer shall for the first offence stand in the pillory att the Pro^{all} Court foure complete houres and shall have his Eares cropt and pay treble damages to the owner of the Hoggs stolne And for the second time the Offender shall be Stigmatized in the forehead wth L$\bar{re}$ H. and pay treble damages aforesd. And for the third offence of Hogg stealing he or they soe offending shall be adjudged as felons and the Delinq^{t} shall have noe benifitt of Clergy And be itt also further Enacted by the Authority aforesaid that all persons vpon their owne land may Lawfully kill any hoggs piggs or Shoates above three months old that are vnmarked anything in this act mencõned to the contrary notwithstanding And be itt alsoe further Enacted by and with the assent of the authority aforesayd that the former acts provided ag^{t} hogstealers from henceforth to be Repealed and are hereby vtterly Repealed for ever

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And for the better Execucõn of this and all other the Good Lawes in this province ag^{t} offenders Bee itt enacted that every respective County Court att the Courts to be held halfe yearely in march & November in every respective County shall by a Grand Jury Enquire of all offences Comitted ag^{t} this and all other the good Lawes of this Province And that every Respective Sherriffe in the said County shall of Course Impanell and returne a Jury of Enquest of such Courts halfe yearely to be held as afores^{d} And th^{t} all the Constables shall of Course appeare at the said respective County Courts in the Months of March & November to be halfe yearely held as afores^{d} and if further the Sherriff shall neglect to impanell and returne Such Jury's as aforesaid or the Constables to appeare as aforesaid such Sherriffs or Constables shall forfeite respectively one thousand pounds of Tob. for every such his or their neglect to Impanell & returne Jury's or to appeare to present offences as the Constables by oath are bound And for the more Effectuall prosecucõn of the true intent and meaning of this act Be itt Enacted by the authority afores^{d} that a forme of a Charge be by the Chancellor drawne vpp and sent to the severall County Courts vpon the seu^{r}all Articles of which the said County Courts shall strictly examine all the Constables within their Respective County's for the Discovery of offenders and due Examinacõn of Justice And that all presentments that concerne life or member be by the Clks of each respective County Courts returned to the next provinciall Court vpon paine of forfeiture of 1000^{lb} of tobacco for every presentm^{t} by

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them neglected to be sent to the Provinciall Court as aforesayd. This Act to Endure for three yeares or to the End of the next Generall Assembly which shall First Come

An Act for Repeale of parte of a branch of an act intituled an addicōn to the Secr'tari's Fees

Whereas divers Masters of Shipps and other persons that have brought Servants and other passengers into this Province have been constrained to pay twelve pence p pole for all such Servts and passengers soe by them brought in as aforesaid, to the Secrtary of this Province according to a branch of an act intituled an act concerning the Secrtary an addicōn to his fee Bee itt therefore Enacted by the Right honoble the Lord Proprietor by and with the assent of the vpper and Lower house of this present generall assembly that from and after the Publicacōn here of that part of the branch of the aforesd act whereby the Secrtary was allowed 12s p pole for all persons imported into this province be Repealed and is hereby repealed.

Vpon the Reassumpcōn of this bill the Lower house vpon further debate doe thinke itt very vnreasonable to repeale the Clause or branch of the act mentioned in this bill.

Wm Bretton
Clk.

An act touching paymt of debts in the yeare of our Lord MDCLXVIJ

Forasmuch as there is a necessity of making a cessacōn from planting tobacco from the first of February 1666 till the first of February 1667 in which yeare tis probable many poore people of this province may not only be in great want but alsoe remayne indebted to the mrchts unless tymely care be taken by this assembly for the sd poore and Indigent persons And whereas above halfe the tob. planted last yeare now lyes vpon the planters hands and another Cropp of tobacco is ready to be planted to satisfy the debts due to the severall mrchts trading into this province & as yett noe certaine lawe provided to compell the mrchts to receive his debts even out of his Second cropp now to be planted after he has refused the last yeares Cropp Bee itt enacted by the Right honoble the Lord Proprietor by and with the assent of the vpper & Lower house of this present generall assembly that all mrchts their Factors & Attorney's and all other psons whatsoever within this Province shall be obliged to receive their debts being duely tendred uto them att any time betweene the 10th of November next and

the last of January then next following And that all Sound tobacco whether of this yeares planting or of the next crop so th^t^ itt be free from ground leases and Seconds shall be held Merchantable and Fitt to be tendered for any debte whatsoever And for asmuch as in the yeare of Cessacõn there will be many poore and Indigent persons ready to sterve if noe Remedy be provided Be itt further Enacted that from and after the first of September next till the first of September which shall be in the yeare 1668 noe Execucõn shall be layd vpon any the goods or Chattells of any person whatsoever of this province Soe farr as not to leave them one hoggh^d^ of Tob. ꝑ pole to provide necessary clothing for themselves & family over and above what is served by the act Entituled an act for Extent of Attachm^ts^ & Exemcõns

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An act for Encouragem^t^ of Trade

Forasmuch as Tobacco is the only Comodity by which this province doth at present Subsist Which by the vnlimited freedome of all persons to Plant what Quantity and at what tyme they please hath glutted all marketts for divers yeares last past & for that reason is come to th^t^ Low rate th^t^ were the times peacable & trade vpon itt would not purchase necessarys for the planters & for as much as vast quantity's all ready made must needs ly vpon the planters hand and perish vpon his acco^t^ if wee still continue to plant tob. as formerly for Remedy whereof Be itt enacted by the R^t^ hono^ble^ the Lord Prop^r^ by and with the consent of the vpper and Lower house of this present Generall assembly that from and after the first day of ffebruary w^ch^ shall be in this present yeare 1666 till the first of ffebruary w^ch^ shall be in the yeare of our Lord one thousand six hundred, 60^ty^ Seavon. Noe tobacco shall be Sowen Sett planted or any way Tended within this Province of Maryland Provided th^t^ the Hono^ble^ S^r^ W^m^ Berkely and the assembly of Virg^a^ & W^m^ Drummond Governo^r^ of the Southward Plantations & the assembly there doe make the like acts in their Severall & respective assemblyes prohibiting the Sowing Setting planting or tending any Tob. in any place within their severall and respective Jurisdiccõns for the said yeare (vizt) from the first of ffebruary 1666 till the first of ffebruary 1667 And for the better and Surer Execucõn of this act and Obteyning the desired End (vizt) the Encouragm^t^ of Merch^ts^ to trade with us for our necessary apparell Bee itt further Enacted by the authority and with the assent aforesaid that the honor^ble^ Philip Calvert Esq^r^ Henry Courson Esq^r^ Colon^ll^ Nathaniell Uety M^r^ Tho. Nottley M^r^ Robert Sly and Major Thomas Brooke or any

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three or more of th^m be sent Commiss^rs from the Governor sufficiently impowered to treate and conclude with the hon^ble S^r William Berkely and the assembly in Virg^a or with Commissioners by the said S^r William Berkeley and the assembly aforesaid Sufficiently from them to be Impowered and w^th the said William Drummond Esqr. or Com^rs from him and the assembly of the Colonny vnder his Governm^t sufficiently as aforesaid to be impowered vpon a totall Cessacon from sowing setting planting or Tending Tob. in their 3 Colonies as aforesaid and of the meanes to see the said Treaty and Conclusion for a Cessacon put into full and certaine Execucon.

And be itt further Enacted by the authority and assent aforesaid that whatsoever the sd. Philip Henry Coursey Nathaniell Utye Thomas Notley Robert Sly and Thomas Brooke or any three or more of them shall agree vpon with the Com^rs to be impowered by the hono^ble S^r W^m Berkely W^m Drummond Esq^r and the Respective Assemblys tending only to the effectual Execucon of the Cessacon from planting tobacco in the yeare aforesaid shall oblige all persons in this Province as fully as if the same had been perticulerly distinctly & clearly in Express words conteyned in this act

To the R^t Hono^ble the Lord Prop^rys of Maryland

In most humble wise Complayning Humbly sheweth John Jarbo of Dijon in the Realm of ffrance Augustine Herman of Prague in the Kingdom of Bohemia Ephraim Georgius and Casparus Sonns to the said Augustine Anna Margarita Judith and ffrancina his daughters Anna Hak George & Peter her Sonnes That whereas the said John Parks was borne att Dijon in ffrance and whereas the said Augustine Herman was borne at Prague in Bohemia & that Ephraim Georgius Casparus Anna Margarita Judith and Francina his Sonns & Daughters were born at New York out of the Limitte of this Province And th^t Anna Hack borne at Amsterdam in Holland George & Peter her Sonnes borne at Accomacke in Virgin^a have long there Inhabited and now removed into this Province hath for many yeares inhabited within this Province invited hither by & Confidence of your Lop^s Declaracon of the 2^d July 1649 whereby you did impower your Governor from time to time to grant lands vnto any persons of ffrench, Dutch, or Italian Dissent in the same and as ample manner and vpon the same termes and provisoes as they were thereby impowered to grant land to any Person or persons of brittish or Irish desent and during their said abode w^thin this Province have been alwaies faithfull and Obedient vnto yo^r Lop^s Laws Yett for that both hee and the

rest of your Lōps Orators are not of British or Irish Dissent they cannot take beinfitt of the Laws and customs of this Province as other the good people of this Province of British or Irish dissent may to their great losse prejudice & hinderace as alsoe to the deterring of divers others of the forreign ncōns aforesaid from coming into this province and by consequence foreslowing the peopleing of this Province with usefull Artificers & handicrafts men Itt may therefore please yor Lōp of your abundant goodness & wonted care of and over this province that it might be ordeyned & Enacted by your Lōp with the assent of the vpper and Lower house of this prest genāll assembly That your Lōp humble peticōners and every of them shall from henceforth be adjudged reputed & taken as Nrāll borne people of this Province of Maryland And also tht they and every of thm shall and may henceforth by the same authority be (established) Enabled & adjudged able to all intents and construccōns to Demand challenge aske have hold and enjoy lands tenemts hereditamts and rents within this Province as heire or heires to any of their ancestors by reason of any dissent in ffee simple or ffee tayle generall or Speciall or Remaynder vpon any ffee tayle generall or Speciall or come to them or any of them by any dissent in fee simple ffee tayle generall or Speciall or remaynder vpon any Estate Tayle as aforesaid or by any other lawfull Conveyances or meanes whatsoever, as if they and every of them had been borne within this province or were of Brittish or Irish dissent aforesaid And alsoe that they and every of them from henceforth may and shall be enabled to presente maynteyne and avowe Justify & defend all manner of accōns Suites plaints & other demands whatsoever as liberally frankly fully lawfully securely & freely as if they & every of them had beene Naturaly borne within this Province of Maryland or were of British or Irish dissent & as any other person or persons naturally borne within this Province or of British or Irish dissent may many wise lawfully doe any Law provisoe act or custom of this Province or Other thing whatsoever had made ordeyned or done within this province to the contry hereof not wthstandinge

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And your pet. shall pray

The vpper house has assented

The Lower house has assented

Signed Wm Bretton Clk. John Gitting Clke

An Act giving Passes to persons that are to depart this Province.

Forasmuch as hitherto there hath been noe law provided Obliging persons tht intend to depart this Province to give

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Sufficient notice of such their intencõn and whereas there is a Law of this Province which obligeth all persons who shall transporte any freeinds out of this province th^t^ are indebted to satisfy all such debts vnles such debts be satisfied other wise or the ꝑty indebted brought into the province within the tyme limitted by that act. Be itt therefore Enacted by the Right hono^ble^ the Lord Prop^r^ by and with the assent of the vpper and Lower house of this present generall assembly th^t^ for the future whosoever shall intend to departe this province is hereby obliged to give notice of such his intended departure by Setting up his name att the Sec^r^tary's Office for the full Space of three whole months & that within that tyme noe person shall vnder write any one soe setting up his name as aforesaid itt shall then vpon certificate had & produced from the Clk of the Prõ^all^ Court of the true performance thereof be Lawfull for his Lõps Gou^r^nor of this Province for the time being to Signe any passe for any such persons as aforesaid This act to endure three yeares or to the End of the next generall assembly

An Act providing ag^t^ Runnawaies & all such as shall Enterteyne them

Whereas there was an act provided ag^t^ Runnawaies made in the yeare 1650 & another act made in the yeare 1662 both which acts being adjudged insufficient Satisfaccõn for the reparacõn of their Respective Masters M^r^ssrse Dames or oeerseers damages susteyned by their serv^t^ running from them. Be itt Enacted by the R^t^ hono^ble^ the Lord Prop^r^y by & w^th^ the consent of the vpper and Lower house of this present generall assembly that from and after the publicacõn hereof any Serv^t^ or Serv^ts^ whatsoever vnlawfully absenting th^m^selves from their said Master Mistress dame or overseer shall serve for eu^r^y day 10 And be itt further Enacted by the Authority aforesaid that any Master Mistress dame or overseer th^t^ shall entertaine any servant Vnlawfully absenting himselfe as aforesd having been forewarned by the Master Mistress dame or Overseer of the said Servant shall be fined for the first night five hundred pounds of Casked tobacco for the Second one thousand pounds of casked tobacco for every other night fifteen hundred pounds of casked tobaccoe the one halfe to the Lord Prop^r^y the other to the Informer or him or them that shall sue for the same within any Court of Record within this province to be Recove^r^d by accõn of debt bill plaint or Informacõn wherein no Essoyne protection or wager of Lawe to be allowed Provided that this Act nor anything therein conteyned shall not be adjudged to the predudice of any person or persons that shall apprehend any Runaway servants who are hereby required to vse the best

Endeavors to Convey them to their owners or the next justice of peace to be conveyed from constable to constable vntill they be delivered to their s^d^ owners if then living within this province This act to continue for 3 yeares or to the End of the next generall assembly which shall first come

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An act Limiting Serv^ts^ Tymes

Forasmuch as this Assembly takeing into their Serious Consideracon the great charge and hazard th^t^ the people of this province are att in procuring Serv^ts^ for their necessary Imploym^ts^ & in regard the time th^t^ has hitherto been allowed by the former law to such as have transported servants into this province without Indenture being above one & twenty yeares of age was but foure yeares service in which tyme itt is considered the Master & owners of such Serv^ts^ cannot recieve that reasonable satisfaccon for the charges trouble & greate hazard which all masters and Owners of Serv^ts^ are and must of necessity be att with their Servants This assembly does therefore pray that itt may be Enacted and be itt therefore Enacted by the R^t^ hono^ble^ the Lord Prop^r^ by and with the Avice and consent of the vpper and Lower house of this present generall assembly that whosoever shall transporte any Servant into this Province without Indenture and such Serv^t^ being above the age of twenty two yeares shall be obliged to serve the full Space and terme of five yeares if between 18 & 22 without Indenture 6 yeares if betweene 15 & 18 without Indenture Seaven yeares if vnder fifteen yeares and coming in without Indenture as afores^d^ such Serv^t^ shall serve till he or shee arrive to the full age of 22 yeares And be itt further Enacted th^t^ all serv^ts^ transported out of Virg^a^ into this Province shall complete their time of service here which they ought to have served in Virg^a^ & noe more And be itt further Enacted that every Master Mistress or dame assignee or trustee of what Kind soever ownning or keeping any such Serv^t^ as aforesaid whether by vertue of transportacon purchase or otherwise shall within six months after the Recieving such serv^t^ into their Custody within this province except he shee or they claime but five yeares service of such serv^t^ bring the s^d^ Serv^t^ into their Respective County Court where they doe inhabite And every of the said Courts are hereby authorised to judge & determine of the age of such Sevants soe brought and cause the same to be entered vpon Record and every Owner as afores^d^ neglecting or Refusing to bring such Servant or Servants before the Court as afores^d^ shall not only stand to the determinacon of the Court but alsoe suffer the penalty of one thousand pounds of tobacco to the Lord Prop^r^ for depriving the Courts of such opportunity of veiw

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of the parties And if any Master or Servant aforesaid be aggreived With the determinacōn of the Court he shall within the time determined for their service produce an Authentiq^e wr. of such serveants age & shall have remydy to the ages aforemencōned. And be itt further Enacted by the authority aforesaid that noe Jndenture made by any Servant during the time of Service due by former Indenture or by determinacōn of the Court according to the tenor of this act shall any waies Oblige any Servant for longer tyme then by his first Indenture or determinacōn of the Court shall be Limitted and appointed Provided th^t this act nor any thing therein conteyned shall not give or be construed to give any benefitt to any Slave whatsoever And be itt further Enacted by the authority afores^d that all former acts or Lawes made lymiting Serv^ts tymes are & be hereby Repealed

An addicōnall Act to the Lawe Entituled an act for the Publicacōn of Marriages

Whereas by the lawe of this Province either Minister or Majestrate may Joyne People in Marriages & noe forme of words certeyne is vsed by th^m by which the consent of the parties may appeare. Bee itt Enacted by the R^t hono^ble the Lord Prōp^r by & with the advice & consent of the vpper and Lower house of this present Generall assembly that all Ministers & Majestrates who according to the law of this province doe vsually Joyne people in marriage shall Joyne them in this Manner & by or in those words the man taking the woman by the R^t hand shall say I AB doe take thee CD to my wedded wife To have and to hould from this day forward for better for worse for Rich or for Poore in Sickness & in health till death us do part and thereto I plight thee my troth which being finished he shall lett her hand goe then the woman taking the man by the R^t hand I CD take thee AB to my wedded husband To have and to hold from this day forward for better for worse for Rich or for poore in sickness in health till death us do part and thereto I plight thee my troth which being finished the Minister or Majestrate shall say I being herevnto by law authorised doe pronounce you lawfull man and wife This act to endure for three yeares or to the End of the next generall Assembly

An Acct Limiting Ordinary Keepers

Whereas divers Ordinary keepers within this Province doe frequently exact & charge excessive Rates for their drinke victually & lodging for accomodacōn of persons resorting

thither and noe former lawe hath made provision for the Regulacõn thereof Be itt therefore Enacted by the Rt hono^ble^ the Lord Proprietary by and with the assent of the vpper and Lower house of this present generall assembly that from and after the publicacõn hereof noe Ordinary Keeper Inholder or other person keeping a Victually howse or house of Enterteynmt shall for the future Sell or be allowed for ffrench brandy not above one hundred and twenty pounds of tobacco p gallon wine measure & french wyne forty p Gallon Canary and Malligoe 100lb of tob. p gallon All Sorts of Madera ffyall Porto port and other Portugall wine Sixty p gallon all Strong Cider twenty p gallon Clarrett 40 p gallon strong beere or Ale either made within this Province or brought from fforreign Parts twenty p gallon Rumm 80ty p gallon English Spriritts coming in cases 30ty p bottle dutch dramms as Anniseed Rosa Solis at sixty p gallon Perry and Quince drink thirty p gallon For dyett 10lb of tob^o^. p meale & for lodging for every pson that is accomodated with a Bed foure pounds p night & the like Rates every Ordinary keeper is hereby enjoyned to observe for a greater or lesser Quantity of the aforesaid Sorts of drinks & shall not take nor be allowed more thn the Limitacõn before Specified And be itt alsoe further Enacted by the authority aforesaid that every Ordinary Keeper Inholdr or other Victualler within this Province keeping a house of Enterteynmt tht shall for the future exact more either for drinks dyett or Lodging then what is allowed them in this act shall not only lose every such debt as shall by sufficient proofe appeare to be vnjustly charged contrary to the true intent and meaning of this act but also forfeite five hundred pounds of tobacco the one halfe to the Lord Propr the other halfe to the Informer or him or them that shall sue for the same in any Court of Record in this Province either by accõn of debt bill plaint or Informacõn wherein no Essoyne proteccõn or wager of law to be allowed This act to Endure for thre yeares or to the End of the next generall assembly which shall first come

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An act providing for the
paymt of the 25lb tob. p pole in the Cessacõn
Yeare to the Leivtennt Generall

Whereas there is a gratiuty due to the Leivtennt Generall by a lawe in the province of twenty five pounds tobacco per pole And for as much as in the yeare sixty Seaven the will be noe tobacco made Wee do humbly pray that it may be Enacted And be it Enacted by the Right hono^ble^ the Lord Propr by and wth the Consent of the vpper and Lower house of this

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present generall assembly that the Leivt Generall be allowed the Value of 25t tob for tht yeare in the product of the Country tht is to say in Wheat, Barley Rye Pease or flesh at the vsual Rates they do pass from man in this Province And that his Lōps officers shall not refuse any of these abovesd. comodities being lawfully tendered.

An act for the Reviving crteyne lawes in this Province

Forasmuch as many good & benificall lawes have formerly been made in this province wch being Temporary will of thmselves expire if not renewed & continued by this pre'st generall assembly Be it Enacted by the Rt honoble the Lord Proprietor by & wth the advice & consent of the vpper & lower house of this present generall assembly tht the act entituled an act concerning the Gage of tobacco hhds & the act Entituled an act for killing of wolves and the act Entituled an act for prohibiting ground Leases & seconds An the act entituled an act concerning a Register of births Marryages and burialls And the act for appoynting of certaine officers And the act for Military dissipline And the act concerning the height of ffences And the act concerning the Conveyance of all letters concerning the State and publiqe affaires And the act concerning those Servants tht have Bastards. And the act for publicacōn of Marriages And the act for Encouragemt of sowing English grayne And the act concerning the paymt of ffees due from Criminall persons & an act for incouragemt of Ordinary Keepers & an act concerning Proceedings att law & an act concrning taxable persons & an act Imposeing a ffee on them who shall be marryed in this Province And an act appoynting sherriffs in this province and an Act concerning the Secrtary and addicōn to his fee an Act prohibiting arrests vpon the Saboth dayes and dayes of generall Muster & trayning an act enjoyning sherriffs to take bayle An act for Amrciamts in proall and County Courts an act for to give Smiths Execucōn for their debts an act for the preservacōn of Orphante Estates an act agt Exportacōn of wooll & old Iron an act for the Administracōn of Justice An act for leavying of Surveyor generalls feess and an act for the rule of arrests & Summons for wittnesses by all sherriffes and a Rule for the Entring accōns and fyleing accōns and peticōns An act for the proceedings att Lawe an act concrning proceedings att lawe An act for appointing a publiqe Notary an addicōnall act to an act concerning the paymt of ffees due from Criminall psons. An Act of Gratitude for the Leivt Generall all bee and are hereby Continued for three yeares or to the end of the next Generall Assembly which shall first come.

An act for the Burgesses Expenses & other publiq^e^ Debts

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Bee it Enacted by the R^t^ Hono^ble^ the Lord Prō^pr^ by and with the Advice and consent of the vpper and lower house of this present generall assembly that Every County shall pay and satisfie vnto William Smith of St. maryes Inholder for their Respective Burgesses and their Attendance all their necessary Expenses for meate drinke & Lodging during this assembly att the next Ensuing Crop That is to say S^t^ Mary's County Two thousand seven hundred eighty five pounds of tobacco Kent County five thousand Five hundred thirty five pounds of tobacco Ann Arrundell County foure thousand five hundred eighty six pounds of tob. Calvert County three thousand eight hundred twenty six pounds of tob. Charles County three thousand one hundred & twenty six pounds of tobacco Baltimore County one thousand foure hundred thirty seaven pounds of tobacco Talbott County three thousand two hundred and fourteene pounds of tobacco And be itt further Enacted th^t^ the said Smith be paid by a generall Levy to be raysed vpon the publiq^e^ for the expenses of the vpper house foure thousand foure hundred & sixty pounds of tobacco And for the Expenses of the Lower house to be leavyed alsoe on the publiq^e^ Eleaven thousand and twenty pounds of tobacco And for the accomodacō̄n of the Indians two thousand two hundred & sixty pounds of tobacco And be itt alsoe further Enacted th^t^ John Lawson high Sherriffe of St. Maries County be allowed out of the publiq^e^ leavy sixteen hund^d^ sixty five pounds of tobacco John Shankes one thousand pounds of tobacco M^r^ Thomas Mathews one thousand pounds of tobacco Alexander Maxwell foure hundred pounds of tobacco Peter Carwardine doore Keeper of the lower house six hundred pounds of tobacco M^r^ W^m^ Bretton Clk of the Lower house two thousand five hundred pounds of tobacco To M^r^ John Gittings Clk of the vpper house three thousand pounds of tobacco and M^r^ John Nutthall two thousand pounds of tobacco Be itt also further Enacted by the Authority aforesaid that each respective County shall also allowe to their Respective Burgesses their necessary charge for hands and boate hyre and other necessary Accomodacōns vntil they arrive att their owne houses

The Governour Enacteth theis
to be Lawes
Charles Calvert

Memorandum the Lawes above written past vnder the great Seale of this Province the fourteenth day of June 1666.

Philip Calvert Chancello^r^

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a session held at St. Mary's, April 13—*May* 8, 1669.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Cæcilius Absolute lord & Proprietary of the Provinces of Maryland & Avalon lord Baron of Baltemore &c. To the sherriff of the County of S^{t} Marys Greeting Liber H H p. 306

Whereas by the Advice & consent of our Councell wee have det'mined to hold an Assembly of the ffreemen of our Province at our Citty of S^{t} Mary's vpon the thirteenth day of Aprill next ensueing there to consid^{r} of Certeine things concn̄ing the State & welfare of this our Province of Maryland Wee command you Leivtenn^{t} Colonel John Jarbo Sherriff of S^{t} Marys County th^{t} makeing ꝑclamacō as soone as conveniently may be aft receipt of this writt at the Discrecō of the ffreemen of your County you cause One, Two, Three, or ffowre, Discreete Burgesses or Deligates to be Elected to serve in the said Assembly there to doe and consent to such things as by common consent shall happen to be Ordeyned & Enacted in the businesses afores^{d} soe th^{t} through want of Sufficient power and inconsiderate Eleccō of the afores^{d} Burgesses or deligates the businesses aforesaid may not remayne vndone or neglected & make your returne of this writt into our Chancery by the Sixth day of Aprill next Wittnes our Deare Sonn Charles Calvert esq^{r} our Leivtenn^{nt} and Cheife Gouñor of Our sd Province of Maryland the Sixteenth day of ffebruary in the Seaven and Thirtyeth yeare of Our Dominion over our said Province Annoque Domini One thowsand Six hundred sixty and Eight.

The like Writt issued to Majo^{r} Thomas Brooke Sherriffe of Calvert County p. 207

The like writt issued to Benjamin Rozer Sherriffe of Charles County.

The like writt issued to Thomas Stockett Sherriffe of Ann Arrundell County

The like Writt issued to Majo^{r} Thomas Ingram Sherriffe of Kent County.

The like writt issued to William Coursey Sherriffe of Talbott County

The like writt issued to Nathaniell Styles Sherriffe of Baltemore County.

The like Writt issued to George Johnson Sherriffe of Sommersett County

The like writt issued to Raymond Staplefort Sherriff Sherriffe of Dorcester County.

Liber H H p. 308 Cæcilius &c To our deare freind & Councellor Jerome White Esquire Greeting in our lord God Everlasting Wee have appointed to hold a Generall Assembly of the ffreemen of our Province at our Citty of S^t^ Mary's on the Thirteenth day of Aprill next ensueing Wee do therefore hereby will and require th^t^ all excuses & delay's sett a part you repaire in person to the Assembly at the time & place prefixed there to advise and consult with us touching the Jmportant affaires of our Province Given at o^r^ Citty of S^t^ Marys under our greate Seale of our said Province of Maryland the sixteenth of ffebruary in the xxxvij^th^ yeare of our Dominion ou^r^ our s^d^ Province annoq^e^ dm̄ MDClxviii

Wittn^s^ our Deare Sonn Charles Calvert Esq^r^ our leiu^tnt^ & cheife Gou^r^nor of o^r^ s^d^ ꝑvince of Maryland

The like Writt to Philip Calu^r^t Esq^r^ Channcello^r^
The like to Baker Brooke Esq^r^
The like to Henry Coursey Esq^r^
The like to Coll William Evans Esq^r^
The like to Thomas Truman Esq.

Aprill 13^th^ 1669.

U. H. Journal 1659–69 p. 284 At the howse of Assembly at East S^t^ Mary's appeared
The hono^ble^ Charles Calvert Esq^r^
Philip Calvert Esq^r^
Jerome White Baker Brooke Hen. Coursey
Tho: Trueman and W^m^ Calvert Esq^rs^

S^t^ Marys County	Then appeared as Delegates for S^t^ Marys County M^r^ Tho: Notley, M^r^ John Morecroft, M^r^ Rob^t^ Slye M^r^ Thomas Dent
Charles County	M^r^ Thomas Thorrowgood M^r^ J^no^ Bowles M^r^ Rich. Boughton M^r^ Stephen Mountague
Talbott County	M^r^ Daniell Clarke
Calvert County	M^r^ Thomas Manning
Som^r^sett County	M^r^ William Stevens
Dorsett County	M^r^ Richard Preston

The Governor haveing given them the reasons for calling the assembly & being licenced to choose their Speaker they departed And after some tyme Returned & desired of the leivtenn^t^ Generall in regard that the Major parte of the Delegates did not appeare that he would be pleased to Respitt the Elecc̄on of the Speaker till to morrow in the afternoone ag^t^ which tyme they hoped all would be p^r^sent which was Granted.

The howse adjourned till 9 of the Clock
to morrow morning

Wednesday 14th Aprill 1669 U. H. Journal 1659–69

At the Vpper howse of Assembly at East St Marys appeared
The honoble Charles Calvert Esqr
Philip Calvert Esqr
Jerome White Baker Brooke Henry Coursey Thomas Trueman and Wm Calvert Esqrs

St Marys County Then appeared as Delegates for St Marys County Mr Tho. Notley, Mr Jno Morecroft mr Robt Slye Mr Tho. Dent
Baltemore County Mr John Vanhack Coll Nathaniell Vtye p. 285
Charles County Mr Tho: Thorrowgood Mr Jno Bowles Mr Rich. Boughton Mr Stephen Mountague
Talbott County Mr Rich. Woollman Mr Joseph Weeks Mr Wm Hambleton, Mr Daniell Clarke
Anne Arrundell Capt Wm Burges Mr Samuell Withers Mr Thos Tayler, Mr Edward Selbye
Calvert County Mr Hugh Stanly Mr Tho: Manning & Mr Ed. Keine
Somsett County Mr William Stevens
Dorsett County Mr Rich. Preston
Kent County Mr Robert Dunn & Mr Rich. Blunt

And being askt whether they had Chosen the[ir] Speaker they answered that they had Elected Capt Tho: Manning who was allowed of the Governor

Then was read a Com̄on to the leiutennt Genll to declare his lops disassent to severall acts of Assembly heretofore passed by both howses vizt

C. Baltemore

Cæcilius &c To our Deare sonne Charles Calvert Esqr leiutennt Generall & cheife Governor of our sd Province of Maryland & of the dominions therevnto belonging Greeting

Wee doe hereby will & require you that at the next Generall Assembly of the Deputys & Delegates of the ffreemen of our sd Province to be assembled you doe declare & publish our disassent & disapprobacōn of & vnto the severall acts of assembly made at & by a Generall Assembly of the sd ffreemen of our sd Province or of their Delegat[es] & Deputys begun the 15th Sept which was in the yeare of our Lord God 1663 & Continued by adjournmt vntill the 6t Sept which was in the yeare of our Lord God 1664 hereafter mencōned that is to say of & vnto one certaine Act Entituled an act for the Quietting possōns p. 286 of lands & Establishing the manner of Conveyances of lands for the future one other act Entituled an act for appoynting a publick Notary one other act Entituled an act for the prservacōn of Orphans Estates one other act Entituled an act for the Rule

U. H. Journal 1659–69

of arrests & sumons for the Wittnesses by all Sherriffs & a rule for entring accōns & fyleing accōns & pet^{ns} one other act Entituled an act for proceedings at lawe one other act Entituled an act for seateing of lands in Baltemore County, one other act Entituled an act providing what shall be good Evidence vpon bills bonds & specialtys comeing out of England & other parts & one other act Entituled an act concerning paym^{t} of debts due by bill All & singuler which said seu^{r}all and respective acts wee doe disapprove off and dissassent vnto, And wee doe by theis p^{r}sents vnder our hand & Seale publish and declare our dissassent vnto & disapprobacōn of all & singuler the s^{d} severall & respective acts & of all and every the articles Clauses and thinges in them every or any of them mencōned Expressed and contayned, Given vnder our hand & seale at Armes 16th ffeb. in the 34th yeare of our dominion over our S^{d} Province & in the yeare of our Lord God according to the acc^{o} now vsed in England 1665.

The howse adjourned till to morrow morning 9 of the Clock

Thursday 9 of the Clock

Present as Before

The howse adjourned till 3 of the Clock in the Afternoone

The howse mett againe

Present as in the morning except the Governo^{r}

Then came Tho: Notley and J^{no} Morecroft Gent. & inform'd
p. 287 the howse that they being Delegates for S^{t} Marys County were attending the meeting of the lower howse of Assembly in the vsuall place of meeting appoynted by the Governo^{r} in the howse purchast by the Province for the houlding of Assemblys & administracōn of Justice th^{t} they were from thence warned to attend the lower howse in an other place not appoynted by the Governo^{r} which they had refused to doe till they had licence from the Governo^{r} [soe] to doe, or from the Chancello^{r} Speaker of the Vpper howse as Representing the Governo^{rs} p[son].

To which was answered

That this howse did approve of their attenda[nce] in the vsuall place of meeting for the lower howse & declared their opinion that they ought not to attend the lower howse in any other place till the lower howse had licence to adjourne themselves to some other place from the Governor which was not yet had nor [could] be yet Granted by the Chancellor as not representing the Governors person.

Then Came two members of the lower howse & desired that the Chancellor would be pleased to transmitt the Pattent where by the Lord Proprietary houlds this Province to the lower howse their pervsall. Wherevpon the Chancellor demanded where the lower howse was sitting. To which they answered in a howse neere adjoyning to the howse of Assembly. Wherevpon by advice of the howse the Chancellor tould them that he could not owne them to be the lower howse of Assembly without they were sitting in their vsuall place which was appoynted by the Gove[rnor] vnles they had licence from him to adjourne to some other place which as yett was vnkno[wne] to this howse U. H. Journal 1659–69

Present the Governor

Then came two Members from the lower howse & desired leave of the Governor to adjourne into another howse which was grant[ed]

Then came 3 Members of the lower howse & desired to have a coppy of the Lord Propys pattent for this Province that they may the better proceed & not intrench vpon his lōps prerogative p. 288

To which was answered

That they might haue a coppy thereof in the morning

The howse adjourn'd till to morrow morn.
nine of the Clock being at the howse
where Mr Williams kept his store

ffryday 16th Apr. 1669

Present the honoble Charles Calvert Esqr
Philip Calvert Esqr

Jerome White Baker Brooke, Tho: Trueman and Wm Calvert Esqr

Then was sent to the lower howse the coppy of the lord Proprs Charter.

Wm Calvert Esqr sayth that Charles Nicholett in his sermon on Wednesday last to the lower howse did say that they should beware of that Sin of permission & that they were now chosen or Elected both by God & man & have a power putt into their hands. The Country has often had an Assembly but never an assembly that soe greate expectacōns were as from this he could haue wisht that they had read the proceedings of the Commons of England to see what brave things they had done & now let me beg of you to Consider the poore people for the Lord will. heare their cause you are not vnsensible how heavy the Tax was vpon them the last yeare therefore let me desire of you to beware of that sin of permission for it is an old say-

ing sett a Beggar a horse back & he will Ride, soe sett a childe a horse back & he will be afrade to guide the horse,
U. H. Journal 1659–98 p. 131 therefore let me desire yo[u] to goe on with Courage for th[t] yo[u] have a power of yo[r]selves & Equall to the rest of that the people & a Liberty equal to the people of England, & that if they did not make such Laws as was agreeable to their own Conscience that then this was no Liberty but a seeming Liberty & had better be without it

M[r] Tho[s] Trueman saith the same Verbatim

This is the Substance of the latter part of the Sermon.

Signed W[m] Calvert
Thomas Trueman

Upon Information to this House that Charles Nicholett hath spoken certaine seditious Words against the Government of the Province, It is Ordered that a Messenger be dispatched away to fetch the said Nicholett to make his Appearance in this House to abide the Censure of the House for the said seditious Speeches

Signed Philip Calvert

Then came two Members from the Lower House & presented this following Petition.

To the Right Honourable the Lord Proprietor
& his Council in the Upper House of Assembly Assembled

The humble Petition of the Delegates in the Lower House Assembled Humbly Sheweth—That it was represented to this House this present day that the great Charges of the Probat of Wills & granting Administration upon small Estates Persons living at great Distance from the Place where the Office is kept are Constrained to travel very far for the obtaining the same, whereby small Estates are almost wholly Consumed in ffees in the Office & the viatical Expences of the partys so travelling to obtain the same to the damage of the Creditors there being scarce any Assetts left, after those Charges defrayed for the paym[t] of the debts of the deceased & the Wife & Children of the deceased exposed to Extreme Poverty having
p. 132 nothing left for their support and Livelyhood

May it therefore please your Honours to take into your serious Consideration the same that a full remedy be Provided for the Ease of the People in Case of such small Estates that they may not be Constrained to travel so far to so great Charges for obtaining the same.

And your Petitioners shall pray
Signed by order of the House Robert Carvile Clk.

The House Adjourned till after dinner

The House met again Present as before U. H. Journal 1659–98

Then came four Members upon a Message from the Lower house to desire to know by virtue of what Law the last Levy was raised, It was answered by the Upper House by Virtue of a perpetual Law of this Province Entituled an Act concerning the levying of War within this Province.

Then was presented by the same Persons this following paper from the Lower House viz.

16th April 1669 By the Lower House.

This House desires of the Upper House to be informed whither or no there be any Person so quallifyed within this Province, as to Confirm such Bills as shall be Consented to by both Houses of this Present Genl Assembly so far to be Confirmed as not to be revoked without the Consent of the Upper & Lower House

Robert Carville Clk.

To which was Answered

This House in Answer to the paper above mentioned saith that neither the Lieutenant General nor any other person has any power or Commission in this Province from his Lordship to Confirm any Laws made in this Province his Lordship reserving that power in his own hands

John Gittings Clk of the Assembly

Then came a Member from the Lower House & desired the Governr to send the Instrument of his Lordship's disassent to several Acts To which was answered that they should have it either this night or in the Morning

Then was sent to the Lower House the Instrument of his Lordships disassent to several Acts

The House Adjourned till to Morrow Morning Nine of the Clock

Saturday 17th April 1669 Present as before

Cæcilius Absolute Lord & Proprietor of the Provinces of Maryland & Avalon Lord Baron of Baltimore &c. To our dear Son Charles Calvert Esqr Lieutenant General & chief Justice of our said Province Greeting Whereas We are informed that in the Record & Proceedings as also in the giving of Judgment upon a certain Plaint by our Writt depending before you & your fellow Justices of our Provincial Court of our sd Province held at St Marys between Edward Hinchman p. 133

U. H. Journal 1659–98

Plaintiff & Thos Manning Defendt there hath manifest Error intervened to the great Damage of the said Defendt We willing that the said Error (if any be) be in due manner Corrected & that full & speedy Justice be in this behalf done to the said Defendt do Command You that if any Judgment be given You do upon the 13th day of April Instant send the Records & Proceedings of the same plaint with all things thereunto belonging to Us & our Council in the Upper House of a General Assembly to be then held at our City of St Marys, that our Court of General Assembly may hear the said Record & Proceedings & the Errors to be then & there assigned & alledged & do therein as shall be meet & have You there this Writt Witness ourself at East St Mary's the 10th day of April in the thirty seventh Year of our Dominion Annoq Domini 1669

To which was Endorsed viz.

The Records & Proceedings with all things thereunto belonging in the plaint between Edmund Hinchman Plt & Thos. Manning Defendt is herewith sent as in the Writt is Commanded

Charles Calvert

Then came Daniel Jenifer the Attorny of the said Thomas Manning & upon the said Writt of Error Enters a Retraxit

Ordered that the Chancellour carry his Lordship's Reasons for dissassenting to the several Laws this Assembly disassented to to the Lower house to give them to Understand that the Lieutt General & this upper House do expect that they immediately fall upon the publick Business of the Province for which the Assembly was Called & lay aside all private Business till the publick be first dispatched, this House being resolved to hear no private Causes till all publick Business be Ended

The House Adjourned for an hour

Saturday in the Afternoon

Present as before except Mr Trueman

Then was called in Charles Nicholett to answer unto his seditious Speeches spoken against the Governmt of this Province

In answer to which

He saith he was desired by some of the Members to stir up the Lower House to do their Duty

Whereupon he was ordered by the Lieutenant General & the whole House to name the Persons that spoke to him to stir

up the Lower House to do their Duty whereupon he immediately denyed that ever he uttered the said Words to this House U. H. Journal 1659–98

Ordered that the said Nicholett go to the Lower House & there acknowledge his Error in his late Sermon preached to the Lower House in that he medled with Businesses relating merely to the Government & there to Crave the pardon of the Lord Proprietor the Lieutenant General & the Assembly & that he bring Certificate under the hand of the Clerk that he has done it in the face of the whole House p. 134

Ordered that Charles Nicholett pay unto John Gittings Clerk of the Assembly forty shillings or the value thereof in Tobacco for Fees

Then was returned from the Lower House concerning Mr Nicholett underneath which was written Mr Nicholett acknowledged in the Lower House as is above written

Robt Carvile Cl.

The Upper House taking notice that Mr Morecraft one of the Delegates from St Mary's County was walking abroad sent to him to come into the Upper House & desired to know of him why he was not attending the Service of the Lower House Who answered that he was Suspended by reason of an Impeachment that was drawing against him in that House

Ordered that a Messenger be sent to the Lower House to know of them whither they have any Impeachment to prefer agt the said John Morecroft & if they have any to desire of them to send it this night into the Upper House that the Lieut. General & this House may proceed to a speedy Tryal of the said Morecroft to the Intent that the publick Affairs of this Province be not retarded

Then came 3 Members from the Lower House & presented these following Papers against Mr Morecroft viz

17th April 1669

Thomas Emerson sworn as a Witness in the Lower House of Assembly to prove the second Article of the Paper of Impeachmt exhibited into this House by Robert Morris against Jno Morecroft Gent. a member of this House deposeth & saith That Mr Tilghman did Speak to Mr Morecroft touching a Cause to be depending between this Deponent & Mr Richard Preston

Thereupon Mr Morecroft asked this Deponent what he would give & he this Deponent desired the said Mr Morecroft to make his Demands Who Answered You must give me Lb

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1200^tob^o & this Depon^t answered, that I will give You & thereupon he took this Deponent's Bill

Signed by order of the house Rob^t Carvile Cl.

Cæcilius absolute Lord and Proprietary of the Provinces of Maryl^d. & Avalon Lord Baron of Baltimore &c. To the Sherriff of Kent County Greeting We Command You that You
p. 135 levy by way of Execution any the Goods Chattels or Debts belonging to Bartholomew Glevin late of your County dec^d & now in the possession of Mary his Admin^rx to the value of fourteen thousand three hundred & seventy five pounds of tob^o & Cask being a debt recovered of Jn^o Wright (who marryed the Adm^rx at a Provincial held at S^t Marys the 11^th day of this Instant month of April by Tobias Wells of the said County of Kent Gent, with three hundred pounds of Tob^o more ordered by our said Court for Costs allowed by the said Wells, as also two hundred & sixty pounds of tobacco more for judicial Charges expended by the said Wells in the s^d Suit to the Clerk of our said Court, which said Charges with the above^s^d Costs & principal Debt amount in the whole to the Sum of fourteen thous^d Eight hundred seventy seven pounds of Tob^o in Cask, which s^d Sum so levyed as afs^d the same deliver to the abovesaid Tobias Wells or his Order & hereof You are not to fail as You will answer the Contrary at your peril Witness our dear Son Charles Calvert Esq^r our Lieuten^t General & chief Justice of our said Province of Maryland the 14^th day of April in the thirty sixth Year of our Dominion over our said Province of Maryland Annoq Domini 1667

Dan: Jenifer

This Writ produced by Cap^t Morris against M^r Morecraft

Rob^t Carvile Clk

Cæcilius Absolute Lord & Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltimore &c. To the Sherriff of Kent County Greeting Whereas John Wright hath come before Us & hath found to Us sufficient Pledges of prosecuting his Complaint against Toby Wells of your said County Planter as well in a Plea of unjust taking & detaining of his Goods to wit three Negroes to the Value of two hundred pounds sterling contrary to & in Contempt of an Order of our Justices of our Provincial Court held at S^t Marys the 14^th day of February in the 36^th Year of our Dominion &c. as also of the Return of the said Goods if Return thereof shall by the Law be adjudged We therefore Command You that without delay You deliver or cause to be delivered unto the said Jn^o Wright his said three Negros so by him the said Toby taken & detained as afs^d & that You put the said Toby under

sufficient pledges that he be & personally appear before our said Justices of our Provincial Court to be held at St Marys on the 14th day of April next to answer unto the said John of a plea of unjustly taking & witholding his said Goods And this You are in no wise to neglect upon the penalty that may come thereon And also that then & there make return of your Execution of this Writt Witness Chars Calvert Esqr our Lieutenant General & chief Justice of our sd Province of Maryland the 14th day of February in the 35th Yeare of our Dominion over our said Province of Maryland Annoq Domini 1667 U. H. Journal 1659–98 p. 136

17 April 1669 Robt Carvile Clk.

True Copy

John Blomfield

Mr Wells

I and Mr Morecroft are by Mr Richard Fitzallen both Employed on your behalf by John Wright. & accordingly We have proceeded as he will at large satisfy You he having payd me the Sum of one thousand pounds of tobacco in your behalf & Mr Morecroft the like, not else at present from your Friend

Daniel Jenifer

John Morecroft

This Paper produced by Mr Morris against Mr Morecroft

Robert Carvile Clk.

Maryland ss

Robert Morris late of Talbot County in the Province afsaid Mariner by a Writt of Privilege issuing out of this Court was attached to answer unto Jno Morecroft one of the Attornys &c. in a Plea of Trespass upon the Case, and Whereupon the said John in his proper Person saith That Whereas the said John hath been & is a faithful Liegeman of our Sovereign Lord the King that now is, & also hath been & is a faithful Man to the Lord Proprietor of this Province & so hath honestly & truly behaved & demeaned himself to all his neighbours & of all other the good People of this Province, hitherto hath been so noted & Respected without any suspicion of Fraud Deceit falsity or Corruption or any hurtful Crime hath lived & Continued unblemished and untouched, And Whereas the said John the space of three Years now last past was & is one of the Attornys of the Provincial Court of this Province & by all that time diverse Businesses Suits & Causes for his Clients in the said Court prosecuting & defending, justly & faithfully hath prosecuted & defended, & by reason such his faithful prosecution of the Businesses Suits & Causes afd diverse fees Gains & Proffits justly & honestly acquired, Notwithstanding the sd Robert not being ignorant of the Premisses maliciously intending the good Name Fame & Reputation of him the sd John

U. H. Journal 1659–98 altogether to hurt & blemish & to bring the said John into an evil Opinion amongst his Neighbours & others the honble people of this Province, but also stir up & move the displeasure of the honble the Lord Proprietor of this Province & the honourable Governour & Magistrates of this Province the eight & twentyeth day of September in the seven & thirtieth year of the Dominion of Cæcilius &c. at the house of the said Lord Propry in Wild Street in the City of S[t] Marys in the County of
p. 137 S[t] Mary's having Communication with the said honourable the Lord Proprietary & diverse other faithful & worshipful Persons of the said Province of & concerning the Attornys of the said Province of the Provincial Court & amongst the rest of & concerning the said John Morecroft then being one of the Attornys of the said Court certain false scandalous & opprobrious Words of & concerning the said John Morecroft then being one of the Attornys of the said Court in the presence of the honourable the Lord Proprietary & other worshipful Persons of this Province did Utter speak & publish (to wit) I (himself the said Robert meaning) will make it appear that Morecroft one of the Attornys there (the said Jn[o] Morecroft meaning) took fees on both sides in one & the same Cause, by reason of the which the said Robert uttering publishing and declaring of the said false & opprobrious Words the said John Morecroft is not only hurt in his fame good name & Reputation amongst his Neighbours & brought into Infamy & Discredit with his Clients whereby he hath utterly lost his Practice but every one refuse to retain him as their Attorny or employ him in any of their Suits Businesses & Causes to the great Damage of him the said Jn[o] Morecroft, Whereupon he saith he is damnifyed & hath loss to the Value of five hundred pounds sterling and thereupon he bringeth his Suit

Pleg de P[r] Jn[o] Doo
Rich[d] Roo

Morecroft P P

True Copy Jn[o] Blomfield

17 April 1669

This Paper produced by Cap[t] Morris ag[t] M[r] Morecroft
Robert Carvile Clk.

Maryland ss

To the honourable the Speaker of the Lower House of Assembly & the rest of the Members thereof

The Impeachment of Robert Morris offered to the Consideration of this house against Jn[o] Morecroft Gent, a Member of this house

The said Robert Morris doth in the name of the Commons of this Province impeach the said John Morecroft of certain Offences & Crimes concerning the publick which he is ready to make good as follows U. H. Journal 1659–98

1.st The said Mr John Morecroft being one of the Attornys of the Provincial Court in a declaration by him put into the sd Court against the said Robert Morris, striving to make good that the Jurisdiction of this Province extends to Wild Street in Westminister terming it to the City of St Marys in St Mary's County to the great dishonour of our Sovereign Lord the King, thereby Endeavouring for his own Advantage to bring the Subjects of the King for Words & Actions Committed there lyable to Answer for the same in the Provincial Court as if they were immediately under his Majesty's royal Authority—

2dly The said Robert Morris doth further impeach him for Exacting fees above & beyond the Laws & Customs of this Province & that he is retayned as Attorny for some with unreasonable Fees, for a whole Year's space so that by that means it Causes several Suits to the Utter Ruin of people p. 138

3d That the said John Morecroft did in a Cause depending between Tobias Wells, & John Wright, Tobias Wells being Plt & Wright Defendt procure a Judgment for the Plt in the said Court & on the said Judgment sued out Execution & after was retained by the Deft Wright & for him procured a Replevin in the said Cause against the said Execution as may appear by the Records to which he referrs

By which unjust dealings the good People of this Province are daily abused by him the said Morecroft for which the said Morris doth impeach him

Signed Ro: Morris

17th April 1669

Rob: Carvile Clk.

17th April 1669 The Lower house do send these Papers to the Upper House & upon the whole matter do find the within Mentioned Jno Morecroft Gent impeachable and they do impeach him accordingly and do pray that he may be directed to answer Signed by order of the House

Robt Carvile Clk.

Jno Morecroft being summoned in the Upper House It is ordered that he have a Copy of the Papers put in against him and that he have time given him till Tuesday Morning at nine of the Clock to put in his Answer & that Morris & Emerson do attend to testify in a Vote agt the said Morecroft

The House Adjourned till Monday Morning Eight of the Clock

U. H. Journal 1659–98

Monday 19th April

Present Charles Calvert Esqe Lieutenant General
Philip Calvert Esqe Jerome White
Baker Brooke Henry Coursey Esqe

The House Adjourned till after dinner

Monday in the Afternoon Present as before

Then came a Member from the Lower House and desired to know of the Governour where he would be Pleased to appoint the Place & time to-morrow Morning to hold the Conference between both houses

And the Governour returned Answer that he knew not of any Room more convenient than this wherein the Upper House now sitts, & for the time when, It was answered at the usual time appointed for the meeting of this House being at nine of the Clock in the morning

The House Adjourned till to morrow Morning nine of the Clock

Tuesday the 20th April

Present The honoble Chars Calvert Esqe Philip Calvert Esqe Baker Brooke Henry Coursey & Wm Calvert Esqes

p. 139 Then came Mr Jno Morecroft & put in his Answer to the Impeachmt Preferred against him by Robt Morris Whereupon It is ordered that the Business be heard after the Conference between both Houses is determined

The Result of the Conference is that a Committee be appointed by both Houses of Members of both houses to Consider of the real grievances of the Province & to Present them to both houses to be by them approved of that both Houses may Petition his Lordship for redress

The publick Grievances &c

1. That there is no Person authorized by the Lord Proprietor to Confirm our Laws

2 That it appears by the Body of Laws that the Lord Proprietary did assent to these General Laws now disassented to by the Lieutent General saying his Lordship doth will those to be Laws, & so subscribed his name vide the Book of Laws & therefore the same ought not to be dissassented to without the Consent of this House

3 The raising of the last years Levys was agt the Lord Proprietor's Charter the Laws of the Province & without the Consent of the Freemen of this Province

4 That these Privileged Attornys are of one the Grand Grievances of the Country. U. H. Journal 1659-98

5 The Sherriffs taking away Merchants and other Inhabitants Tobaccos upon Pretence of seisure for publick Debts

6 That Officers are Erected which do take Fees exceeding & contrary to the Acts of Assembly

7 That vexatious Informers is another publick Grievance

This paper was Presented by the Speaker of the Lower House to the Upper House at the Conference between both Houses this 20th day of April 1669

The House adjourned till three of the Clock in the Afternoon

At three of the Clock in the Afternoon The House met again Present as before as also Mr Trueman

Then was read the answere of Jn° Morecroft to the Impeachment preferred against him by Robert Morris whereupon It is Ordered that the said Morris be called in

The Answer of John Morecroft to the papers delivered by the Lower House for a pretended Impeachm^t of him the said Jn° Morecroft before the honble Assembly, being by Robert Morris to the Lower House presented as an Impeachm^t ag^t the said Jn° Morecroft

All advantages of Exeption to the Insufficiency and Incertaintys in the said papers termed an Impeachm^t to the s^d Jn° Morecroft for ever saved the said John saith that the said Papers and the Matters therein contained is not any ordinary and just way of impeaching nor is it prosecuted to this honourable House in such Form and manner it is usual in matters of this kind to be observed & prosecuted, and that it is prosecuted merely by the malice of the said Robert Morris Who is no member of this Province but a Foreigner and Stranger though he boldly makes use of the name of all the Commons of this Province Where he cannot make it appear that he had ever their Assents or Consent thereunto. Also he saith that the matters in the said papers contained are principally examinable before the Justices of the Provincial Court the said John being an Attorny sworn there, and the whole matter charged in these papers ag^t him is for matters pretended by him done in the Course of his practice there which said Justices have the full & sole power of hearing Correcting & punishing the misdeameanours (if any be) committed by their Ministers under them upon complaint of any Person against them of any fault by p. 140

U. H. Journal 1659–98 them Committed, where the said Robert Morris (as the said Jn° Morecroft humbly conceiveth) ought to make his Complaint, and where the said Jn° Morecroft is censurable and punishable, nevertheless if this honble House think fit and do so require that the said Jn° Morecroft ought & must answere those rude & indigested papers so preferred as an Impeachm^t. Then the said Jn° Morecroft for an Answer thereunto saith

That true It is that there is a Suit depending in the Provincial Court between the said Jn° Morecroft Pl^t and the said Rob^t Morris Defend^t for scandalous Words by the said Robert spoke against the said Jn° Morecroft which Words are alledged to be spoke at the Lord Proprietary's House in Wild street in the City of S^t Marys in the County of S^t Marys as he humbly conceiveth it is lawful for him to do without any dishonour to our Sovereign Lord the King, It being an usual Course in practice so to do in like Cases to which the Def^t if he pleases may Demurr or after Verdict (if any be in it) move in Arrest of Judgm^t or bring his Writt of Error at his discretion

That the said Jn° Morecroft hath not exacted any Fees beyond the Laws and Customs of this Province for he saith that before the Settlement of the Court & since all persons did & were left to agree with their Attornys at what Rates they could in which the s^d Jn° Morecroft hath done no more than what was done & practiced by others both before & since his coming into this Province

And further saith that it is a Prerogative invested absolutely in the Lord Proprietary to appoint Constitute & settle Courts of Judicature within this Province who accordingly did Constitute the Provincial Court by the name of the Justices of the
p. 141 Provincial Court & did Constitute the honourable the Lieutenant General chief Justice thereof by Virtue of which he did appoint Attornys & other Officers of the said Court but by reason that the said Fees due to the Attornys was settled by Act of Assembly in the Secretary so that they could not settle the Fees of the Attornys till that Act of Assembly was taken out of the way which could not be till an Assembly could be Called gave Liberty to the Attornys to proceed as they had done formerly in taking such Fees as they and their Clients should agree for And as to that of the Agreement in gross with any person for a Year with such who desired the same It is well known to this honourable House that it is a thing practiced in England and lawful to be practiced here being no Law to prohibit the same And the said John Morecroft further saith that he was Attorny for the said Tobias Wells in an Action of Debt brought by him the said Tobias against Jn°. Wright & Mary his Wife Admin^rx of the Goods & Chattels of Bartholomew Glevin dec^d in which Cause Judgm^t was obtain'd by

the said Wells agt the Estate of the said Bartholomew in the hands of them not Administred and Execution out of the Secretary's Office for the same which Execution the said Tobias kept in his pockett, two or three months & did not serve it during which time the said John Wright produced his Action into the Secretary's Office & that he had payed as far as Assetts, the next Court setting up his name in the Court house and having paid as far as he had assetts & having fully administred prayed a Quietus est as usual in this Province at which Court the sd Tobias was Present & might have underwritt if he had pleased but did not Whereupon the said John Wright & Mary his Wife had their Quietus est after which he the said Tobias Contriving with the Sherriff of the Isle of Kent who lived in his House served the Execution upon certain Negroes of the said Jno Wrights which was not lawfull for him then to do, but ought to have brought his Writt of Devastavit against the said Wright if he could prove any wasting made by him of the Estate of the said Bartholomew upon which illegal proceeding in serving the Execution after the said John Wright & Mary his Wife having obtained their Quietus est, by which it appeared that they had fully administred & no Assetts in their hands He the said Wright coming to the Office at St Marys and Complaining of the illegal Proceedings of the said Tobias in the serving the sd Execution the said Jno Morecroft did sue forth a Writt of Replevin for the unjust taking & witholding the Goods of the said Jno Wright, in whom there was a sole property of the said Goods, in which Writt it was also Commanded to the Sherriff to require the sd Tobias to be before the Justices of the Lord Proprietary of this Provincial Court held at St Marys,at his next Provincial Court held at St Marys, to answer the said John Wright of a Plea of taking and unjustly witholding his Goods to which the said Tobias appeared at the sd Provincl Court, after due and mature Deliberation by them the sd Justices thereupon had It was by them adjudged that the sd Tobias Wells had unjustly taken and witheld the said Goods of the said Jno Wright And for that it did appear to them by the Return of the said Writt to them by the Sherriff made that the Execution of the sd Writt was done after the said John Wrights obtaining of the Quietus est and so the serving the said Execution unlawful And that the said Tobias ought to have brought his Devastavit against the Admrx if he had any Cause therefore the sd Admrx having payed as far as Assetts and so had fully administred, Now forasmuch as the said Jno Morecroft had performed all & every thing which did belong to his Duty in prosecuting the Suit to Judgment and the said Tobias having got Execution, the said John Morecroft had done all that was belonging to the duty of an

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Attorney upon that Retayner to do and if the said Tobias Committed any Trespass or Wrong by colour of the said Execution by undue & the illegal Serving the same whereby the said Jn°. Wright had matter and Cause of a new Action he humbly conceives it was lawful for him the said Jn°. Morecroft to be retained by the said Jn°. Wright as his Attorny to seek for the Redress of the same and so much the rather for it was one part of the Oath of an Attorny that he shall do no Wrong nor suffer any to be done to the Scandal of the Court but if he know of any shall make the same known to the Justices of the said Court, Now this being done by Colour of the said Writt in an illegal & undue manner He humbly conceives he was bound by his Oath to see the same redressed And the s^d. John Morecroft further saith that if he offend in such manner as in the third Article of his Impeachment It is Charged to be a Crime Yet as Attorny and Minister of the Provincial Court the Matter was & is only examinable & punishable by the honourable Justices of the Provincial Court Who are his Masters and to which Court he is a Minister, All which Matters and Things the said John Morecroft is ready to averr and prove and prayeth to be dismissed this honourable House with his Costs and Charges by him in this Cause unjustly Sustained

Signed John Morecroft

Upon the hearing of the Impeachment against John More-
p. 143 croft Gent this House do Vote that the Impeachment ought to have been directed to the Upper House not to the Speaker of the Lower House

2 That Robert Morris nor any other single Person whatsoever cannot in the name of the Commons of Maryland prefer an Impeachment to either House

3 That the Lower House have permitted a Breach of their own Privileges in admitting an Impeachment of one of their Members who was Entrusted by the Commons of Maryland, by a single Person who is no Member of this Province & no ways Employed by the Commons of Maryland

To the first Article of the pretended Impeachment this House doth further Vote that the said Jn° Morecroft hath fully Answered and that it is no Crime to alledge Wild Street to be in the City of S^t. Mary's since if it be illegally done he the said Morris may demurr or move in Arrest of Judgment or by Writt of Error

To the second Article this House doth declare that they know no law by which Attornys' Fees for pleading and Council are Settled so that it is impossible the said Morecroft should be guilty of the breach of them

To the last Article relating to Tobias Wells and Jn° Wright

this house do declare that the said Morecroft hath done nothing but what he might lawfully do and that therefore he be dismissed with Costs and Charges by him sustained by reason of this pretended Impeachment U. H. Journal 1659–98

Ordered that Robert Morris pay to the Clerk of the Upper House for Fees the sum of fourteen hundred twenty two pounds of Tob^o^ Then was appointed by the Governour Philip Calvert Esq^r^ Thos. Trueman Henry Coursey and William Calvert Committees to meet with the Committee of the Lower House in prosecution of the former Order

The House Adjourned till Thursday nine of the Clock

Wednesday April 21^st^ 1669

At a Committee of both Houses appointed by both houses to be held this day Mett—

The honble Philip Calvert Esq^e^ Henry Coursey
Thomas Trueman & William Calvert Esq^e^

Col^l^ Nathaniel Utye Capt. W^m^ Burgess Richard Preston
Samuel Withers Robert Slye Thomas Taylor
Joseph Weekes Rich^d^ Boughton Of the Lower House

Thursday Nine of the Clock The House mett

The Committee of this House reported to the House their Proceedings to the Committee of the Lower House

April the 21^st^ 1669

The Answer of the Committee of the Upper House of Assembly to a paper preferred into the said House by the Speaker and whole Lower House of Assembly April 20^th^ and now again brought to this Committee by a Committee of the Lower House Entituled The publick Grievances &c. p. 144

The first Article Entituled as above Aggrievance is thus penned viz.

That there is no Person authorised by the Lord Proprietary to confirm our Laws

To which We answer that since the Lord Proprietary hath but a subordinate power in making Laws he is tyed to the Rules given him by his Majesty in his pattent that if he should by himself or any other person impowered by him Consent to

U. H. Journal 1659–98

Laws other than such as he is Authorized by his Pattent to do he would forfeit his Pattent and therefore it is not a power fit to be trusted with any person but ought to be reserved to himself alone and that even for the good of the people of this Province who otherwise by the Subtilty malice & Villainy of a treacherous and self Ended Governour may be undone as well as the Lord Proprietary, were He trusted with such a power & therefore We cannot join with the Committee of the Lower House in drawing a Petition to be presented to the Lord Proprietary to send such a power into the province much less in styling any of his Lordships royal Jurisdictions granted him by his Pattent a Grievance

The Second Grievance is

That it appears &c^{a} that the Lord Proprietor did assent &c^{a} and therefore the same ought not to be disassented to without the Consent of this House

To this We answer that these Words alledged &c^{a} His Lordship willeth that these be Laws signifyeth no more than Enacted by the Governour in the other Assemblys, that is the Governour in the name of the Lord Proprietor consents to these Laws so far as he is impowered to Consent and no further. But no Governour ever was to this day impowered in General to consent to any Laws that should bind longer than till his Lordship should declare his Disassent to them (though by some special Commissions they have been impowered to confirm some particular Acts as appears upon Record, & therefore the Lord Proprietary was still at Liberty to dissassent & had good reason so to do for the manifest oppression & Injustice of the Law for quietting possessions and the faults of the others Contained in the paper of Obser-

p. 145 vations upon those Laws sent into the Lower House 16th April to which We refer You. If the Lower House thinks fit to join with the Upper House We will promise for them that they shall join in making a better & more reasonable Law for quietting possessions (to which they need not doubt his Lordships Assent and Confirmation when he sees it) and also in amendment of the rest of the Laws viz. that for preservation of Orphan's Estates and of the Temporal Laws if Convenient to be revived.

The third is the raising the last Years Levy &c.

To which We answer directly that in raising it his Lordship by his Officers did what he was bound to do by his Charter viz. defend the people of the Province from the Indian Enemy according to the Law of the Province Entituled an Act con-

cerning Levying War within this Province and consequently with the Consent of the Freemen of this Province without which no Laws are made in this Province It is objected that there is no Person named in that Law by whom that Law should be Executed but We answer it is frivolous because if his Lordship do not Condescend to put the Execution of Laws into the hands of some particular persons in those Laws named or to be named which in this Law is not done, he himself and in his absence his Lieutenant & chief Governour is to see his Laws Executed, The first day of the Assembly the Governour offered You an Account of the last Year's Levy & the time had been much better spent in auditing the Account of the Province then at Girding at the Lord Proprietor's Rights, of which he makes no Use but for the Preservation of the People U. H. Journal 1659–98

The fourth is privileged Attornys &c.

To which We answere We cannot but wonder that Attornys of Ability & sworn to be faithful and diligent in their places & offices should be called a Grievance nay the Grand Grievance of the Country The Aged & impotent not able to travel must be allowed Attornys or else they cannot possibly in Court seek their Right or defend themselves from Wrong and then doubtless It is better to have Attornys of the abler sort & Sworn than ignorant & free from the Tye of an Oath and yet even such are not only allowed but earnestly sought out in County Courts by the People now Aggrieved as is pretended, to this We add the necessity of Attornys for Absents in the parts beyond the seas, and upon the whole Matter You will find it necessary and well becoming the Prudence of an Assembly to petition the Lord Proprietary to whom of Right it belongs to Settle his Courts & ministers in those Courts in the most orderly and Expeditious Way that may be and with Convenient fees both for the Livelihood of the Ministers & Ease (as much as Suits at Law will permitt of) the people suing in those Courts & to that End to appoint some Persons of both Houses most experienced in Law Matters to draw up the Rules fit for our Courts & Country & a List of Fees for the Ministers of those Courts to be approved of by his Lordship p. 146

5 The Sherriffs taking away Merchants & others Tob^o^ &c.

To this We answer that if the Sherriffs have only pretended publick Debts thereby to seize Tobacco they are punishable but if they did seize Merchants or other Men's Tobacco for publick Debts they ought to be justifyed in it to the intent the publick Faith may not suffer upon which alone We carry on

U. H. Journal 1659–98 all publick Business there being so little ready money in the Province, We shall be ready to join in making a Declaration by a Law what shall be called publick Debt and what not and all other things that shall be found necessary for preservation of the publick Faith Indemnity of Officers in that Case & securing the Merchants & the Inhabitants of this Province from undue Seizures

6.th That Officers are Erected &c.

We answer that no new Officers are Erected that We know of but if there were Yet it is but what his Lordship hath power to do by his Pattent and whatsoever he lawfully doth by power of his Pattent must not be Styled a Grievance unless You mean to quarrel with the King who granted it Which do take Fees exceeding & Contrary to the Acts of Assembly, And upon these Words were Instanced the Fees of the Seal &c to the Chancellour only, To this We answer that there neither is nor ever was any Act of Assembly for Fees to the Chancellour True it is there was in Capt Stones time an Act made for Secretarys fees Which allowed fifty pounds Tobo. for every Instrumt under the Seal and fifty for recording it but nothing to the Chancellour then being viz. Capt Stone and that but till a further Settlement so that it remains clearly as of right it ought in the Lord Proprietary by Proclamation or otherwise to settle the fees of his Chancellour & other Officers as he hath already done in the case of the Chancellours Fees

That Vexatious Informers &c

To this We answer that there neither is nor ever was any Informers authorized in this Province as in England is used that if any Person does his Duty in revealing mutinous & seditious Speeches spoken by any Person (as in the Case of Harris now instanced) to the Governour he is no Vexatious Informer,
p. 147 Those Persons being only properly to be called Vexatious Informers who make it a trade to Enquire into penal Laws where the Informer hath part of the Penalty for informing

For that upon the whole matter We cannot but exhort You to desire the Lower House that sent You to proceed to the publick Affairs of the Province & to tell them from the honourable the Lieutenant & Chief Governour that if they do yet persist to call his Lordships just Rights of consenting or not Consenting to Laws in what manner he hath it by his Pattent his power of erecting Courts and Officers & manner of proceeding in Courts at his pleasure according to his Pattent, and his appointing them the said Officers just & reasonable Fees the publick Grievances, & unless he will redress these Griev-

ances that is part with his royal Jurisdiction granted by his Pattent to the Assembly they will not proceed to any Business as they formerly Voted he desires them to call in all the Members of the House & to put it to the Question & upon their Journall to Enter every particular Member's Consent or dissassent to that Vote, & let the Vote be signed by the Speaker that he may if he find they are Resolved to do no Business make an End of this Assembly— U. H. Journal 1659–98

Then came three Members of the Lower House & declared that they were sent by the Lower to let this House know that they were very willing and ready to go about the Country's Business & in order thereunto did desire to have the Acts of the last Year's Levy

The House Adjourned till nine of the Clock in the Morning

Friday 23d April 1669

Present The honourable Charles Calvert Esqr
Philip Calvert Esqe Jerome White Baker Brooke
Henry Coursey Thos Trueman & Wm Calvert Esqes

Ordered that the Chancellour & some of the Members of this House go to the Lower House and require them to raze the mutinous & seditious Votes contained in the paper Entituled The Publick Grievances delivered into this House by the Speaker the 20th April last out of their Journall Before which is done this House is Resolved to treat with them no further It being adjudged in this House that it is an Arraignment of the Lord Proprietor the Governor & Council

The House is Adjourned till after Dinner

At two of the Clock in the Afternoon The House met again

Present as before

Then came from the Lower House this following Message Viz.

Friday 23d April 1669

Ordered that Mr Robt Slye Col Nathaniel Utye Capt Wm Burgess Mr Thos Taylor Mr Richard Boughton Mr Samuel Withers Mr Daniel Clark & Mr Robert Dunn do carry this message to the upper House (viz) that this House having considered of the paper in writing sent to this House this Morning by the Upper House by a Member thereof have Voted the same Paper to tend very much to the dishonour & breach of p. 148

U. H. Journal 1659–98 Privileges of this House This House upon full debate humbly Considering the seven Grievances formerly Presented to the Upper House to be still Real & Publick and do not in any wise tend to the Arraignm[t] of the Lord Proprietor Governour or Council and so consequently the Votes touching the same not mutinous or seditious & ought not to be razed out of the Journalls of this House

Signed by order of the House Rob[t] Carvile Clk

The House Adjourned till to Morrow nine of the Clock

Saturday Morning 29[th] April 1669

Present Philip Calvert Esq[e] Jerome White } Baker Brooke & W[m] Calvert Esq[e] }

Ordered that the Lower House be desired to come into the Upper House to a Conference

That at the Conference the Chancellour do remonstrate unto them the ruin that is coming upon these rash Proceedings of theirs

1. By leaving the Province without Law

2 The People discontented & jealous that their just Libertys are denyed them, when in truth We only vindicate that just power in my Lord which the King hath given him by his Charter & is no way communicable to the people

3 The Province much in Debt & particular Persons much damaged in Talbot & Somersett Countys especially for want of their pay from the publick all which they have as much as in them lyes hindered by their Vote relating to the last Years Levy

4. The hinderance of the raising this Assembly's Charges

5. The hinderance of Curbing the Indians

further to declare to them that they are not to Conceive that their privileges run paralell to the Commons in the Parliament of England, for that they have no power to meet but by Virtue of my Lords Charter, so that if they in any way infringe that they destroy themselves; for if no Charter there is no Assembly, No Assembly no Privileges

2 Their power is but like the common Council of the City of London which if they act Contrary or to the overthrow of the Charter of the City run into Sedition & the Person Questionable

p. 149 Lastly if they do not raze those seditious Votes contained in the paper stiled the seven Grievances by the Vote 23 April together with that Vote the Governour is resolved to dissolve this Assembly on Monday Morning

Signed by order of the House

John Gitting Clk

Wm Calvert Esqe was sent to the Lower House to desire a Conference with them this Afternoon who returned & said that he had communicated the message to the Speaker Who answered that there was several absent from the House so that till Monday Morning they could receive no Message Whereupon the said Wm Calvert requested the Speaker to send for the Members into the House being all under the same roof Which he did suppose was but a small request & tending to the Furtherance of Business. The Speaker answered he could not receive any Message till Monday Morning U. H. Journal 1659–98

The House Adjourned till seven of the Clock on Monday Morning

Monday 26th April 1669 Present as before

The House Adjourned till after Dinner

The House met again Present The Governour & the rest as before

Then came the Lower House to the Conference at which was read this following paper viz.

Gentlemen—

We the Upper House did patiently wait your leisure till this Morning in expectation of the Conference We desired with You on Saturday last But We found ourselves disappointed with your sudden Adjournment till two of the Clock this Afternoon. We desire a good Correspondence & therefore We will put no sinister Interpretation upon your Actions but leave the first to be interpreted by the last, wise & good mens actions being commonly of one dye, & like the Links of a Chain coupled together by the necessary Consequence of right Reason, if You be the men the Countys that sent You imagined You were at your Election viz prudent & seeking the common Good, You will use no further delays but come to a present Conference upon the ways and means to salve the Soars You have Caused, & to stop the Breach you first made by your paper dated 20 April & after widened by your Vote of the 23d April

What was said or Writt by us in answer to those papers was but necessary defence of the Lord Proprietors Rights & our own Innocence. If You will upon your own Journal acknowledge you ought not to stile the Lord Proprietors Rights Grievances Which in the paper of the 20th April are stiled so (Viz) Article the first & second, and that in the 3d Article You were mistaken in saying the last Year's Levy was raised against the Lord Proprietary's Charter the Law of the Province and Consent of the Freemen, The Upper House will enter upon p. 150

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their Journal that they receive that Acknowledgment as Satisfaction and will join with You in a Petition of Grace and Favour (not of Right) to his Lordship that he will be pleased to settle the Attornys & Clerk's fees together with the Proceedings of his Courts in such form as We (upon due Advice & Consideration of a Committee of the ablest of both houses) shall draw up & send to his said Lordship Vexatious Informers We know none Authorized therefore Wave that Article This We Conceive the Way to Peace & We hope You will Embrace it

After the abovesaid Message sent to the Lower House came a Member from the said House to acquaint this House that the Lower House was willing to meet this House at a Conference when they would be pleased to appoint the time and Place

To which was Answered

That they thought no place more large or Convenient than this place wherein the Upper House now sits, & the time immediately if they pleased

Then came a Member of the Lower House & said he was sent from the Lower House to desire of this House that they would be pleased to send them the Copy of the Lord Proprietor's Charter which was immediately given unto them and desired withall that they would so soon as possible dispatch their Answer

After two Hours time expired there went a Member from this House to know whether they had their Answer ready or not & to desire them to send their Answer immediately that the Governour might not wait upon them any longer

And after a While came the whole Lower House and then the Speaker read this following Paper Viz.

To the honourable the Upper House of Assembly

26th April 1669

We should readily and willingly Embrace any way to peace whereby We may not be found to betray the Trust reposed in Us & to violate the Dictates of our own Conscience, We are sorry exceeding Sorry that We are driven to Say that your Answer & Objections to the paper Entituled the publick Grievances are not Satisfactory or that by the refulgent Lustre of the Eradiations of Reason that shine & dart forth from them the weak & dim Eye of our Understandings is dazled & struck into Obscurity. We are sensible of your great Condescension in receding from former Votes & Commands & yet We would desire You to believe that We did not design by Obstinacy & Refractoryness to draw You to the same . God forbid that We should stile his Lordships Rights Grievances, As to that We shall only say that We verily believe his Lordship out of his

abundant Grace and Goodness will not exercise any of his just Rights & royal Jurisdictions to the Aggrievance & Oppression of the good people of his Province when he shall be given to Understand that any of them in the manner wherein now Exercised are indeed so; God forbid that We should upon meere Niceties Criticisms and formalitys of Words be found to be Accountable to God and the Country for the ill Success of this meeting We shall be willing to have our Journal Contradicted, expunged, obliterated, burnt, anything, and to have our Grievances appear in any form or dress of words most pleasing to yourselves if We might be assured that the Weight & pressure of them under which the Country groans & cryes might be removed

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Signed by order of the House
Rob^{t} Carvile Clk—

In answer to the paper received now from the Speaker We say that We are very glad to see the Lower House inclinable to wave their former Proceedings and to come something towards Agreem^{t} therefore to wast no further time We desire first that they take that Vote of their Journal (according to their profession in their paper dated 26th Instant) by which 20th Instant they voted it a Grievance that there was no Person in this Province sufficiently impowered to Confirm the Laws.

2. To take off that Vote by which they voted a Grievance that his Lordship had dissassented to the Act for quietting Possessions and the rest of the Acts in that Instrument of dissassent comprised

3. That they take of that Vote from their Journal by which they Voted the raising the last Years Levy to be against the Lord Proprietors Charter the Laws of the Province & Consent of the Freemen together with the subsequent Votes that asserted these three Things to be Grievances

This We Conceive to be your promise in the paper delivered Us As to the hint You gave Us of the Exercising his Lordship's Rights to the Aggrievance & Oppression of the good People We shall be ready to give satisfaction in anything

This House doth further assure the Lower House that if they will join with Us or join a Committee of theirs with another of our House in drawing up an Act sufficiently impowering the Governour & Council here to protect the people in their Lives & Estates in Case of sedition Tumults or Invasion whither foreign or domestick, which is all We desire, The Governour will present the said Law so to be drawn to the Lord Proprietary & upon his Assent to it to procure his the said Lord Proprietors Repeale of the former, Upon your Complyance herewith We doubt not of a right Understanding between the two Houses which is We heartily wish & desire

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Then came two Members from the Lower House with this following paper viz.

26th April 1669

Ordered by this House that Mr Robert Slye and Mr Withers do carry this Message to the Upper House in answer to the paper writing brought last by Wm Calvert Esqe that this House do assure the honble the Upper House that if they will undertake & assure Us as much as in them lyes that the pressures and Grievances by this House to them presented shall be remedyed and redressed and join in Petition with this House to his Lordship for that purpose this House will unanimously join with them in relation to the other publick Affairs and when these Pressures are removed We will raze our Journal as by the Upper House is desired

Signed by order Robt Carvile Clk.

The last Clause of this paper the Upper House doth not understand and therefore desires the Lower House to explain it

Signed by order of the House
John Gittings Clk of the Assembly

The Sense of this House is that till our Pressures are really redressed We cannot raze our Journal

Signed by order of the Lower House
Robert Carvile Clk—

The House Adjourned till to Morrow Morning

Tuesday the 27th April 1669

Present Charles Calvert Esqe Philip Calvert Esqe
Jerome White Baker Brooke & Wm Calvert Esqe

Ordered that a Member of this House be sent to the Lower House to know their last Resolution whither they will raze out of their Journal the three first Articles of the paper stiled the publick Grievances & the Votes thereupon made if they do resolve not to do it to require them to come into the Upper House to know the Governour's further pleasure

The abovesd Message being sent by William Calvert Esqe & no Answer thereupon returned by the Lower House

The Lieutenant General sent one of the Members of this House to summon them into the Upper House

Then came the whole Lower House & desired three hours time more to Consider of the order sent to them this day by the Upper House, Which was Allowed.

Then one of the Members of the Lower House in the presence of the whole House said that it was the Sense of the

whole House that the third Article Contained in the paper of Grievances be wholly Expunged obliterated & taken of the Journal Which Article relates to the last Year's Levy U. H. Journal 1659–98

Then came the Speaker and said that he had in Charge from the whole Lower House to deliver to this House, that it was the Vote of the whole House that they were all Grievances and the major part of the House did Vote that they ought not to be razed p. 153

The names of those Persons which came with the Speaker when he delivered the afores^{d} Words Viz. W^{m} Burgess Sam: Withers Tho^{s} Taylor Rich^{d} Boughton Hugh Stanly Joseph Weeks Will^{m} Hambleton Dan: Clark Jn^{o} Vanhack Edward Keine & Richard Woollman Members of the Lower House and had two Hours time given them to Consider

Then came the Speaker with some Members of the Lower House & presented a Paper as from themselves not from the House, which not Coming from the House was not thought necessary to be recorded

The House Adjourned till after Dinner

The House met again Present as before

Ordered that a Member of this House go to the Lower House to know whither they have razed the first 3 Articles in the paper Styled the publick Grievances out of their Journal or not

Then came a Member from the Lower House with this paper viz.

27th April 1669

Resolved upon the Question that the three first Articles contained in a paper Styled the publick Grievances of this Province & delivered to the Upper House by the Speaker of this House the 20th April Inst^{t} and all Votes passed in this House touching the same be Oblitterated in the Journal of this House

Ordered that Col. Nathaniel Utye do carry this Resolve to the Upper House & to signify to them that the said three Articles & all Votes concerning the same are by the Clerk of this House oblitterated in the Journal, & also to request of them that they will be pleased to oblitterate also in their Journal Book the Words (Mutinous & seditious) & signify to this House under the hand of the Clerk of the Upper House that the same are oblitterated accordingly

Signed by order of the Lower House

Rob^{t} Carvile Clk.

Upon receipt of the Resolves of the Lower House this 27th April brought by Col Nathaniel Utye that the three first Articles

U. H. Journal 1659–98 of the paper Styled the publick Grievances should be oblitterated in the Journal of the said House the Upper House do declare they are Satisfyed with the Lower Houses Vote and Proceeding thereupon in relation to those three Articles, & that it is therefore Ordered that those Words Mutinous & seditious shall not be Engrossed in our Journall

Signed by order &c.
John Gittings Clk of the Assembly

p. 154 Then came a member from the Lower House to desire of this House to send them an Account of the last Year's Levy

Then was sent to the Lower House the Account of the Levy

In regard the Lower House have appointed a Committee to join with a Committee of this House This House have Adjourned themselves till to Morrow Morning and Resolved themselves into a Grand Committee for to treat with the Committee of the Lower House

Wednesday 28th April

Present Philip Calvert Esqe Jerome White
Baker Brookes & John Calvert Esqes

The Lower House sent to know the Time & place of the Committee's Meeting Answer was returned that the said Philip Calvert Jerome White & Baker Brooke would meet them here in the Upper House

The House Resolves itself into a Grand Committee & Adjourns till two of the Clock in the Afternoon

The House met in the Afternoon and by reason of the Grand Committee of both Houses Adjourned till to Morrow 7 of the Clock—

Thursday 29th April 1669

The House met again & Adjourned further to attend the Grand Committee

Saturday Morning. Came Mr Coursey

The House met again & Adjourned till two of the Clock

At two of the Clock the House met

Then was Presented to the House certain Bills passed the Committee of both Houses to wit A Supplemental Act to the Act Entituled an Act concerning Levying War in this Province made by Capt Wm Stone Anno 1649 and Confirmed by his Lordship's Declaration dated 26th August 1650 One other

Entituled an Act for the manner of Levying of Fines, what things be requisite to make them good, how often they shall be read & proclaimed and Who shall be bound thereby An Act for providing sufficient Freight & Carriage for the proper Goods & Commoditys of his Lordship the Lord Proprietor of this Province & of the Governour of this Province for the Time being An Act for preventing Servants & Criminal Persons from running out of this Province An Act for the Preservation of the publick Faith, The Bill for Free Denization & Naturalization for Garrett Van Sweringen & others— U. H. Journal 1659–98

Ordered that the said Bills be read & their Titles Entered upon the Journall

The Supplemental Act read the first time & ordered to be read again on Monday Morning the second time Was read the Act for the manner of Levying fines & voted that it pass to the second reading on Monday Morning

Then was read the Act for providing of sufficient Freight &c. & Voted that it pass to the second reading on Monday Morning

Then was read an Act for preventing Servants & Criminal Persons from running out of this Province p. 155

Then was read the Act for the preservation of the publick Faith & Voted that it pass to the second reading on Monday Morning

Then was read the Bill for free Naturalization and Voted that it pass to the second reading on Monday Morning

The House Adjourned till Monday Morning

3d May Monday Morning The House met again
Present as before

Was read the supplemental Act the second time

Ordered that it be read the third time. Was read the Act for the manner of levying of Fines the second time & ordered to be read again the third time

Was read the Act for providing sufficient Freight &c. the second time & ordered to be read again the third time

Was read the Act for preventing Servants & Criminal Persons &c. the second time and Ordered to be read again the third time

Was read an Act for the preservation of the publick Faith the second time and ordered to be read again the third time

Was read an Act for Naturalization &c. the second time & ordered to be read again the third time

The Chancellour informed the House that it was the Lieuten! & Chief Governour's Pleasure that this House should expedite

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all Businesses so as he might End this Sessions upon Saturday next at furthest and that this House should give notice to the Lower House of his Pleasure; Ordered that this Notice be given to the Lower House by a Member of this House

In obedience to the Command of the Lieutenant General for expediting of Business, the House reassumed the foregoing Acts which were read this day the second time & upon the third reading in the foregoing Order Voted them to pass

Then was sent to the Lower House the six forementioned Acts being every one Endorsed Viz.

Let this Bill be sent to the Lower House

The House Adjourned till after dinner

At two of the Clock the House met again Present as before also M^r^ Trueman

Ordered that a Messenger be sent to the Lower House to desire them to send the Upper the temporary Laws which they have thought fit to amend or Continue that this House may proceed to the reading of them

p. 156 Then was sent the Acc^t^ of the Province from the Lower house As also a Bill Entituled an Act Concerning the Tare & Gauge of tob^o^ hh^ds^ Another Bill Entituled an Act prohibiting Ground Leafes & second Crops of Tob^o^ a third Bill Entituled an additional Act to the Act Entituled an Act for appointing certain Officers Which were all read over the first time

Ordered that the Lower House be desired to appoint some Members of theirs that were at the Auditing the Accounts sent this day from the Lower House to meet some persons of this House to Morrow Morning to inform them of the true State of the said Acc^ts^

The House Adjourned till nine of the Clock in the Morning

Tuesday the 4^th^ May

Present Philip Calvert Esq^e^ Henry Coursey Thomas Trueman and William Calvert Esq^es^

Then Came from the Lower House this following Paper viz:

This House upon reading an Act Entituled an Act against Hog Stealers find thereby an Injunction laid upon the honourable the Chancellour to draw up the form of the Charge to be sent to the several County Courts upon the several Articles upon which the said County Courts shall strictly examine all the Constables within their respective Countys for the Discovery of Offenders & due Execution of Justice

Ordered that his Honour be desired to draw up such Charge & to send the same to the Comm^rs^ of the several County

Courts as by the s[d] Act he is required & that M[r] Bowles & M[r] Montague do carry this message to the Chancellour— Signed by order of the Lower House of Assembly U. H. Journal 1659–98

Robert Carvile Clk

Whereunto the Chancellour answered that if they pleased to appoint him a Convenient Fee for drawing up the said Charges to be sent to the several Countys he should do it otherwise he doth not think himself obliged to do it

Then came four Members from the Lower House & brought these following Bills Viz. One Bill Entituled an Act appoynting Court Days in each respective County in this Province One other Bill Entituled an Act for the reviving & Continuing an Additional Act to an Act Entituled an Act Concerning payment of fees due from Criminal Persons One other Bill Entituled an Act for the keeping good such high Ways & roads as are already Cleared in this Province One other Bill Entituled an Act Enjoining all Persons that intend to depart this Province to give sufficient Notice of their Departure, One other Bill Entituled an Act limitting Ordinary Keepers, One other Bill Entituled an Act for the publication of all Laws within this Province now in force p. 157

Then came from the Lower House this following Paper viz:

4[th] May 1669

The Lower House taking into Consideration the not appearance of M[r] Horsly a Member of this House during this Assembly, It was urged that M[r] Johnson the Sherriff of Somersett County did not make a due return of the said Member, and a Member of the House informed the House M[r] Horsley was sick & could not attend and produced a Letter from him sent to that House for that purpose and upon the Evidence of the Chancellour and the Clerk of this House, that the Sherriff when he came to return his Writt to the Chancellour said M[r] Stevens & M[r] Horsly were Chosen by the County and that after they were so Chosen the People being mett at an Ale House said to him they would have but one Burgess & so the Sherriff told M[r] Horsly that he need not come to the Assembly for he would not return him, That at the time he was at the Chancellour's House being on Saturday the 10[th] April he being told by the Chancellour that he was not to be his own Judge of the Election but ought to return & thereupon returned M[r] Horsly

The Question thereupon was put whither his Evidence shall acquitt the said Member from a Fine or no?

It passed in the Affirmative

The Question again put whither the said Sherriff be not

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finable for his Proceedings in the said Election & Return Yea or no?

It passed in the Affirmative Yea?

Ordered that these Votes be sent to the Upper House to whom this House leaves the matter as to the fining the Sherriff & that Mr Montague Mr Thurrowgood Mr Hambleton & Mr Keene do carry the same as also the six Bills last read & passed in this House

Signed by order of the House
Robt Carvile Clk.

The House Adjourned till after dinner

At two of the Clock the House met again Present as before

Then was read & sent to the Lower House the Bill Entituled an Act appointing Court days &c. Endorsed (viz) Let this Act be to Endure for three Years or to the End of the next General Assembly which shall first come & this House will proceed to the second reading of it

Then was read & sent to the Lower House the Bill Entituled an Act for the reviving and Amendment of an Additional Act to an Act Entituled an Act Concerning paymt of Fees due from Criminal Persons Endorsed thus Viz

p. 158 Let this Act endure for three Years or to the End of the next General Assembly which shall first Come and this House will proceed to the second reading—

Then was read and sent to the Lower the Bill Entituled an Act for the reviving and Amendment of an Additional Act to an Act Entituled an Act Concerning payment of Fees due from Criminal Persons Endorsed thus Viz Let this Act endure for three Years to the End of the next General Assembly which shall first Come & this House will proceed to the second reading.

Was read and sent to the Lower house the Bill Entituled an Act for the keeping good such High Ways & Roads as are already Cleared in this Province Endorsed thus Viz

The Title of the Law is good but the way of penning it answers not the End besides it ought to be perpetual & not temporary being for the Common Good & therefore the Things required of Common Right to be done therefore the Bill ought wholly to be altered or else quashed

Was read the Bill Entituled an Act Enjoining all Persons that intend to depart this Province to give sufficient Notice of their departure Endorsed thus Viz. This Act is either not necessary or else interferes with the Bill preferred this Assembly and passed this House already Entituled an Act preventing Runaways &c before We can say any thing to this Bill, the difference between the Bills must be reconciled

Was read a Bill Entituled an Act for the publication of all the Laws within this Province now in force Endorsed thus U. H. Journal 1659–98

At the request of the Chancellour the Upper House desires to be informed by the Lower House whither by this Bill they intend to give the Chancellour two thousand pounds Tob^{o} more than was given him by the Act passed the last Assembly Entituled an Act for the publication of all Laws within this Province for the future in regard this Law seems to oblige the Chancellour without further Fee to send more Laws than the former Law obliged him to do Which this House thinks unreasonable

Upon the second reading of the Bill Concerning the Gauge & Tare of Tob^{o} hh^{ds} Voted Rejected

Upon the second reading the Bill appoynting certain Officers Rejected

Upon the second reading the Act prohibiting Ground Leafs & second Crops of Tob^{o} Ordered that it pass to Engrossment

Upon the reading a Bill Entituled an Act limitting Ordinary Keepers was Endorsed thus

Let this Act be for three Years or to the End of the next General Assembly which shall first come & let a Proviso be added to prevent the adulterating of Liquors & this House will p. 159 proceed to a second reading of this Bill

An Act of Gratitude for the Lieutenant General being read three times in this House Ordered that it pass

Ordered that a Messenger be sent to the Lower House to desire a Conference with them for a quarter of an hour upon the six last Bills sent to this House

At the Conference was delivered the nine Acts together with the Reasons of their proceedings thereupon with which the Lower House retired to their own House to Consider

The House Adjourned till to Morrow Morning

Wednesday the 5th May

The House met again Present as before

The House took into Consideration the Act of Gratitude for the Lieutenant General returned from the Lower House to this House Endorsed viz.

The Act of Gratitude for the Lieutenant General disassented to by the Lower House of Assembly

Rob^{t} Carvile Clk

Ordered that a Member of this House do desire the Lower House to come to a Conference in this House upon the said Act of Gratitude for the Lieutenant General that they may

U. H. Journal 1659–98 know their Reasons of their disassenting to that Act that a Right Understanding may be kept between the two Houses This House judging it to little purpose to make Laws unless there be a support Granted for the maintenance of that Officer that must see those Laws executed

Then came from the Lower House this following Message (Viz)

The question being put whither it be necessary that this House shall go to the Upper House and there in a Conference declare their reasons for their disassent to the Act of Gratitude Yea or No?

It was resolved in the Negative nemine Contradicente, this House judging it against the Privileges of their house to give their Reasons in the Upper House for their disassent to any Bill

Order that Capt Wm Burgess & Mr Thos Taylor do carry this Vote to the Upper House

Signed by order

Robert Carvile Cl.

The House Adjourned till after Dinner

At two of the Clock the House met Present as before

Then came two Members from the Lower House and returned these several Bills viz One Bill Entituled an Act for the repeal of certain Acts which was assented to by the Lower House, One other Bill Entituled an Act providing of sufficient Freight & Carriage for the proper Goods & Commoditys of
p. 160 his Lordship the Lord Proprietary of this Province and of the Governour of this Province for the time being on which was Endorsed

The Lower House have Assented to this Bill with the Amendmts Annexed One Bill for Reviving certain Laws Endorsed The Lower House have Consented to this Bill One other Bill Entituled an Act for the preservation of the publick faith Endorsed The Lower House have assented to this Bill with the amendments Annexed & desired withall that this House would be pleased to send them the publick Accounts To which was answered When they came to a Conference they should have them

The House Adjourned for an Hour & Resolved themselves into a Committee to Consider of the publick Accounts

The House met again Present as before

Then was sent to the Lower House the following Message

The Upper House desires to know why the Lower House have not revived these following Acts. The Act for the killing

of Wolves The Act prohibiting Ground Leafs and Seconds The Act concerning payment for Bullion brought into this Province The Act for Encouragement of sowing English Grain The Act imposing a Fee on them Who shall be marryed, the Act for Amerciaments in Provincial & County Courts. The Act for Ferrys, The additional Act to an Act Entituled an Act Concerning paym^{t} of fees due from Criminal persons, An Act for recording the Journal of the Lower House An Act for marking high Ways & making the heads of Rivers Creeks Branches & Swamps passable for Horse & Foot An Act for Giving passes to Persons that are to depart this Province U. H. Journal 1659–98

The Act for appointing Court Days was read the second time & ordered to be Engrossed, The Act for reviving and Amendment of an additional Act to an Act Entituled an Act Concerning payment of Fees due from Criminal persons was read the second time & ordered to be Engrossed The Act prohibiting Ground Leafes & second Crops of tob^{o} was read the second time and Ordered to be Engrossed

The Act lymitting Ordinary Keepers was read the second time and Ordered to be Engrossed

The Act for free Naturalization for Garrett Vansweringen & others read the second time & ordered to be Engrossed

Upon reading the Act Entituled a Supplementary Act &c. sent back from the Lower House with these Amendments viz

The Lower House do Consent to the Act for levying of War &c.^{a} with these Amendments viz. The title to be an Act for levying of War raising of Soldiers Ammunition & Provision within this Province

1. A Colonel's pay to be if between 300 & 400 men, No Lieuten^{t} Col. being an unnecessary Officer in Camp or Garrison here p. 161

2. A Major if between 150 & 300 Men

3. A Captain if between 60 & 100 Men

4. A Lieutenant if between 40 & 60 Men

5. And these Words viz according to the true Intent & meaning of an Act made in Cap^{t} W^{m} Stone's time &c in the first paragraph be left out

6. The Soldier to be Accountable to the Persons who are his Setters forth out of his Wages and for such Clothes as he the said Soldier shall receive from their hands as af^{d}

7. Provided the Soldiers so raised by Virtue of this Act shall not be commanded to pursue the Enemy out of this Province

Signed by order
Rob^{t} Carvile Clk.

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The Upper House upon reading the Amendments afd sent this Answer viz The Upper House cannot Consent to alter the Title of this Act, nor to the fifth Amendment desired by the Lower House; The 7th Amendment they think sufficiently provided against by the Act Concerning Levying War mentioned in the Title of this Law. To the first second third fourth and sixth Amendment this House will agree if the Lower House will Cause the Bill to be wholly new Engrossed

Upon reading the Act for providing sufficient Freight & Carriage for the proper Goods & Commoditys of his Lordship &c. was Endorsed viz The Act is amended in every thing but making it temporary, which this House judges unfit

Present Charles Calvert Esqr

The House Adjourned till to Morrow Morning

Thursday 6th May

The House met again Present as before

Then came two Members from the Lower House and brought 3 Bills One Entituled an Act providing against Sherriffs taking excessive Fees Endorsed

The Lower House have Assented to this Bill and send the same to the Upper House for their Concurrence, One Act Entituled an Act for the Limitation of Actions Endorsed The Lower House have Assented to this Bill and Send the same to the Upper House for their Concurrence, One Act lymitting the Extent of Attachments & Executions and providing what shall be taken upon Attachments & Executions Endorsed The Lower House have assented to this Bill and send the same to the Upper House for their Concurrence.

Ordered that a Messenger go to the Lower House to desire a Conference with them after dinner upon all the Bills sent
p. 162 from either House which are not yet passed to avoid unnecessary Expence of Time in sending Messages

Upon the petition of John Gittings for Settling the Fees of the Clerk of the Assembly This House Orders that the Clerk of the Assembly, Has treble the fees for Writing any business in or belonging to the Assembly as a County Court Clerk hath for doing the like Business in County Courts

Then was read the Act for reviving certain Laws within this Province twice. Upon reading of the Act for preventing Servants & Criminal persons from running out of this Province The House thought fit to add this Provisoe in it. "Provided always that till Seals for each Several & respective County Court Can be had to seal passes with as is abovesaid, that all

passes sealed with the Seal of Augustine Herman af[d] & signed by him which he is hereby authorized from time to time to sign & seal for the Fee of one Shilling for each pass af[d] shall be held & deemed a sufficient pass to protect & defend any man from the Penalty's of Runaways in this Act Provided as afores[d] U. H. Journal 1659–98

The first Amendment is incompatible with the whole Body of the Act for our Neighbours in Virginia We must make some other Act mor Convenient than this for that Colony

To the last Amendment We answer that by a former Law any Person whatsoever may examine suspicious Persons

Upon reading of the within Act providing against Sherriffs, this House do Conceive the Act to be unreasonable unless the Province will be at the Charge of providing Prisons for the safe Custody of Prisoners

Then was read the Act for Limitation of Actions & ordered to be read again the second time

Then came three Members from the Lower House with this following Message Viz:

6[th] of May 1669

Ordered that M[r] Taylor M[r] Withers & M[r] Hambleton do carry this Message to the Upper House (to Wit) that this House having put it to the Question upon the matter Contained in the two papers sent this Morning to this House from the Upper House It is by this House Resolved upon the Question that this House is willing to admitt of a Conference with the Upper House in the afternoon upon any Bills that are yet depending in either of the Houses that are not yet passed but do not think fit to Confer with them about any Bill already quashed & laid aside in this House and that they have also Considered of the Laws in the last paper mentioned & have adjudged them unnecessary & useless & so not necessary to be revived

Signed by order &c.
Robert Carvile Clk.

The House Adjourned till after dinner

At two of the Clock the House met again Present as before p. 163

The Governour absent

Then came a Member from the Lower House & said that the Lower House was ready to Come to the Conference when the Upper House pleased who returned answer they should be ready within half a quarter of an hour

Then Came the Lower House, & a Conference held upon all the Laws.

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6th May

Came this paper from the Lower House relating & affixed to the supplemental Act &c. viz. Resolved upon the question that this house cannot Consent to the Engrossment of this Bill without these Amendments viz The title to be altered as in this paper 5th particle in the paper to stand as it is there, & as to the 7th the Sense of this house is that it be that no Person in this Province shall by this or any other Act be forced to invade any Enemy out of the Province, Which being accordingly amended in the Bill this House will agree the same do pass to Engrossment in all other things this House doth agree

Signed by order Robt Carvile Clk

In answer to which the Upper House will Consent to the Alteration of the Title of that Act & the first Amendment Provided they will put into the said Act this following Provisoe viz Provided always that neither this Act nor anything therein Contained shall not repeale, infringe, or invalidate nor be at any time Construed to infringe, repeale, or invalidate the Act Entituled an Act Concerning Levying War in this Province made by Capt William Stone Anno 1649 and Confirmed by his Lordship's Declaration dated 26th August 1650 nor any thing therein Contained any thing in this Act to the Contrary thereof in anywise notwithstanding

Then was sent to the Lower House this Proviso Agreed upon at the Conference of both Houses to the Act for Encouragement of such Persons as will undertake to build Watermills (Viz) instead of the Words (Coercive power) Provided always that no Person or persons intending to build a Watermill as afd shall have liberty to sue out any such Writt or Writts as afd nor have such Grant or Grants of Lands to build a Watermill upon as afd unless such Person or Persons sue out such Writts as afsd before the 6th day of May which shall be in the Year of our Lord 1672 any thing in this Act to the Contrary notwithstanding

Then was read the second time the Act lymitting the Extent
p. 164 of Attachments and providing what shall be Levyed upon Attachments and Executions & ordered to be read again the third time

Was read the Act for Limitation of Actions being read the second time Ordered that it be Read the third time to morrow Morning

The House Adjourned till nine of the Clock in the Morning

Friday the 7th May 1669 Present as before U. H. Journal 1659–98

The Chancellour informs the House that the Indian Murderer of Capt Odber by name Anatchcom alias Wianamon was brought Prisoner last night to St Marys and withal tendered this following Letter from the Lieutenant General to the Upper House

Gentlemen—

You have here sent you the Indian that murdered Capt Odber it is that Rogue that Caused our late Troubles Ababcos Indians have brought him by order from their King Ababco Mr Henry Coursey knows the Indian & does assure me that this is the Fellow that shott the said Odber and a little Indian that I have declares that this same Indian killed one other Englishman in her sight, I do hereby order that this Murderer be Executed at St Mary's to Morrow & that You move the Lower House to gratify the said Ababco for his good Service which will Encourage the rest of our Friend Indians to do us the like Service, The Indians that go along with the Prisoner are some of Ababco's Council

I am your affectionate Friend

6t. May 1669 and Servants

Charles Calvert

The names of the 4 men that Guarded the Indian from the Eastern Shore George Hogg Humphrey Jenings Jno. Stephens Thos Flower

Ordered that George Hogg have 300lb tobo & the rest 200lb apiece

The Prisoner being demanded his name answered It was Anatchcom a Wiccomis Indian

Being demanded where the rest of the Wiccomisses lived He answered that they lived a small days Journey from the head of Nanticoke River

He Confessed he was the only Wiccomis that went to Delaware

He Confessed that it was his Wife that was killed at the house of Wm Hemsley in Talbot County

He Confesses he was in Company with them that killed Capt Odber but denyes that he is the Man that killed him but is in diverse storeys Concerning the manner of the Murder

Wimacapona testifyed that the Prisoner here present killed Captain Odber p. 165

Ordered that the said Wianamon be shott to death here at St Mary's sometime before three of the Clock this Afternoon

In answer to the last Resolve Sent last night from the Lower House touching the Supplemental Act &c this House hath

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resolved upon the Question that unless the Lower House will add the Provisoe sent to them Yesterday this House will not Consent to the Alteration of the Title of the Bill, nor to the first Amendment and therefore desire them to Consider well of the Bill before they cast out a Bill so beneficial to the publick in the drawing of which both Houses have so long laboured as being one of the principal Ends for which the Assembly was Called

The Answer of the Lower House to the Resolve of the Upper House Concerning the Supplemental Act Viz. Resolved upon the Question that unless the Title of the Act be amended as was formerly proposed & that Clause at the End of the first Paragraph left out and that the same may pass without the Proviso this House cannot Consent to the passing this Act.

Signed by order &c. Robt Carvile Clk.

Ordered that a Member of this House be sent to the Lower House to let them know that We have received a Message from Ababco Tequassino Hatsawap & the rest of the Kings upon the Eastern Shoar near Choptank informing Us that in regard they are joined in league with Us & in pursuance of the Articles of peace they have delivered up to our Justice the person of the murderer of Captain Odber as formerly they have done others of Wiccomis Nation Enemys to his Lordship, & this Province, The said Wiccomis Nation have drawn into League with them the Matwhas Indians & others much too strong for the sd Ababco Tequassino & Hatsawap so that if they be not protected by Us, they are likely to be destroyed

They further shew that notwithstanding they never sold any Land to the English nor gave permission to seat any Lands on the Southside Choptank higher than Wm Stephen's Creek, yet the English do daily Encroach upon them, & even sitt down amongst them in their clear Fields with their Cattle & Hogs destroying their Corn without which they cannot Subsist

They therefore pray that the Land above Willm Stephens Creek as high as the Creek called Secretary Sewall's Creek may be reserved & laid out for them & that no English may Seate within those Bounds, that they may have Pattent from his Lordship for it, that We will take some Course to protect them against the Indians whilst they live upon that Land and that they may have a Boat lent them to go up to the Susquehannahs, Canowes being dangerous And that upon Consideration of the whole matter that this House doth think it fit that the Land by the said Indians desired to be reserved for them and secured to them by Act of Assembly as was done in the

p. 166

like Case to the Piscattaway Indians that Effects be raised & put into the hands of Capt Carr at Delaware that shall be sufficient to Encourage the said Carr to do our Business & to purchase a Present to be sent to the Mathwas Indians to renew our League with them & to include in it the said Ababco, Hatsawap & Tequassino & the rest of the Indians our Confederates, that the said Ababco Tequassino Hatsawap have a Considerable Present or Reward given them for their Fidelity, & each of these Indian Councellours here a Present at parting & further an Order over into Choptank to have a boat lent for their Transportation up to the Susquehannahs And do desire the Lower House their Concurrence herein And that We may have their speedy answer first as to the Act for Securing them their Lands. 2d As to what Effects they will be willing to put into the hands of Captain Carr 3d As to what reward they will give Ababco Tequassino & Hatsawap & the rest of the Kings 4. What they will give the Indian Councellours here Present. U. H. Journal 1659–98

An Act for recording the Journal of the Lower House Read 3 times and voted to pass

An Act for marking high Ways read 3 times and Voted to pass

Ordered that Mr Christopher Rousby be allowed 2000lb tobo. out of the publick Levy in Calvert County Provided he deliver the Governour as many Match Coats as comes to the said sum

Then was Sent to the Lower House this following Message viz

The Upper House desires to know why the Lower House have Omitted the Act lymitting Servants times

2 They think the appointing Sherriffs is part of my Lord's royal Jurisdiction & that therefore the two Houses ought not to intermeddle in making an Act for it

3 That the last Clause in the Act for Hogstealers Enjoining the Chancellour to send a charge to each County Court without Fee is ureasonable and therefore ought not to be revived

Then was read the Act for Continuance of peace with & Protection of our Neighbours & Confederate Indians in Choptank River read the first time & ordered to be read the second time p. 167

Then was read the Act for reviving certain Laws the 3d time & Ordered to be Engrossed

Then was twice read the Act to avoid double payment of Debts & ordered to be Engrossed

Was read twice an Act for relief of Prisoners taken into Execution Voted to Engrossment

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The Act for marking high Ways read the third time & passed the House

Was read the third time an Act for relief of Prisoners taken into Execution and passed the House

Was read twice the Act for payment of money Debts & Voted to Engrossment

The House Adjourned till after Dinner

The House met again Present as before

Then was read the Act to avoid all double payment of Debts upon the Engrossment & Voted to pass

Then was read the Act for payment of Mony Debts with Tob^{o} upon the Engrossment & voted to pass

Then was read the Act providing against Sherriffs taking excessive Fees upon the Engrossment & voted to pass

Then was read an Act of Gratitude to the Lieutenant General the second time & voted to pass to Engrossment Read thrice & passed

The House Adjourned till to Morrow Morning

Saturday Morning the House met Present as before

Was read an Act of Gratitude for the Lieutenant General the 3^{d} time and Voted to pass

An Act appointing Court days read thrice & passed

An Act for preventing Servants & Criminal Persons from running out of this Province read thrice & passed

An Act lymitting the Extent of Attachments & Executions read thrice & voted to pass

An Act for free Naturalization read thrice & passed

An Act for relief of Prisoners taken in Execution read 3^{ce} & past

An Act for recording the Journal of the Lower House read thrice & past

An Act for marking making & amending high Ways &c. read thrice & passed

An Act for the Continuance of peace &c. read thrice & passed

An Act to avoid double paym^{t} of Debts read 3^{ce} & voted to pass

p. 168 An Act for payment of Mony Debts with Tob^{o} thrice read & passed

An Act providing ag^{t} Sherriffs taking excessive Fees thrice read & passed

An Act providing what shall be good Evidence to prove foreign debts thrice read and passed

An Act for Encouragement of such persons as will undertake to build Watermills read thrice & passed U. H. Journal 1659–98

Present the Governour

The Sense of the honble Governour & Council is upon the Petition of Samuel Long that Burton ought to have his Land as it was first surveyed & that Samuel Long to have the Land next unto it & that by Virtue of a special Warrant the said Burton could not take away any man's Land as it is alledged within the Petition

Signed by order of the Govern^{r} & Councill
Jer White Sur Gen^{l}

Was read an Act for providing sufficient freight & Carriage &^{c} thrice and passed

Was read an Act for Limitation of certain Actions for avoiding Suits at Law 3^{d} time read & passed

Was read an Act reviving certain Laws the third time & passed

Was read an Act Limiting Ordinary Keepers 3^{d} time & passed

8th May.

Upon further Consideration of the necessity of the supplemental Act &c. offered the Lower House to pass it with this Proviso viz: Provided always that this Act nor any thing therein Contained shall not infringe or invalidate nor be at any time Construed to repeal invalidate or infringe any former Law of this Province Concerning levying War in this Province any thing in this Act to the Contrary hereof in any wise notwithstanding

Signed &c
Jn^{o} Gitting Clk of the Assem.

The Lower House disassents to this Proviso
Signed by order of Rob^{t} Carvile Cl.

Ordered that the Clerk of the Assembly have 300^{lb} tob^{o} & the Door-Keeper 200 for the naturalization of Vansweringen & his Children and Isaac de Barrelle & also Robert Roelants, Jan: Jordaine John Vanhack Charles De la Roche Peter Johnson do pay Each of them 300^{lb} tob^{o} to the said Clerk & 100 to the Door Keeper for their Naturalization—

The Titles of all the Lawes Enacted this Assembly being read over both Houses of Assembly being Present The Governour dissolved the House— p. 169

Liber W H & L P. 34

Acts made at a Generall Assembly begun and held att Saint Maryes in the Province of Maryland Xiij die Aprilis XXXvij Cæcilij &ti Annoq. Domini MDCLXIX°

The Honourable
Charles Calvert Esq^r Gouernour—

An Act for the Continuance of peace with and proteccōn of our Neighbours and Confederate Indians in Choptanke River

It being most Just that the Indians the auncient Inhabitants of this Province should have a Conuenient dwelling place in this their native Countrey free from the Incroachment and oppression of the English and more Especially such who are in league with us and for their friendship to vs are in danger to be destroyed by their Neighbour Nations our Enemyes And whereas Ababco Hatsawapp and Tequassimo have of late given large Testimonies of their fidelity toward us in delivering
P. 35 up the Murtherer of Captain John Odber For which they are in danger to be Cutt of and destroyed by the Wiccomesses and their Confederates the Matwha's Indians Bee itt Enacted by the Right Hon^ble the Lord Proprietary by and with the advice and Consent of the upper and lower house of this present Generall Assembly that all that land lyeing and being on the south side of Choptanke River Bounded Westerly by the freehould now in the Tenure and occupacōn of William Dorrington And Easterly with the Creeke falling into the said River of Choptanke Commonly by the English called or knowne by the name of Secretary Sewalls Creeke for breadth and from the said River side three miles into the woods for length shall be vnto the said Ababco Hatsawap and Tequassimo and the people under their government or Charge and their heires for ever any Law vsage Custome or graunt to the Contrary hereof in any wise Notwithstanding To be held of the said Lord Proprietary his heires Lord and Proprietary or Lords and Proprietaryes of this Province under the yearely Rent of six Beavor skinns to be paid to his said Lordship and his heires as other Rents in this Prouince by the English use to be payd.

And Bee itt further Enacted by the Authority advice and Consent aforesaid that itt shall and may be Lawfull for the Gouernour of this Province for the tyme being to rayse out of this Province such and soe much Tobacco by an Equall Assessment vpon the Estates of the freemen of this Province as he shall be out of purse in procureing a League with the Matwhas Indians in which the said Ababco Hatsawap and Tequassimo & their people and subjects shall be Included Provided the said League be had and Concluded within three yeares next Ensueing from the last day of this present Generall Assembly—

An Act for Limitaõn of Certain Actions for avoyding Suites at Lawe.

Liber W H & L

For the quieting of the Estates of the people of this Prouince & for avoyding of Actions Bee it Enacted by the Right Honᵗᵉ the Lord Proprietary of this Province by and with the advice and Consent of the Vpper and Lower house of this present Generall Assembly And the Authority of the same that all actions of Trespass quare Clausum fregit all actions of Trespasse Detinue Sur trover and Replevin for takeing away goods and Chattles all acõns of accompt Contract debt booke and vpon the Case other then such accompts as Concerne the Trade of Merchandize Between Marchant & Marchant their factors and servants which are not Resident within this Province all acõns of debt for lending or Contract without Specialty all acõns of debt for Arrearages of Rent and all acõns of Assault menace Battery wounding and Imprisonment or any of them which shall be sued or brought by any person or persons within this Province att any time after the End of this present Generall Assembly shall be Cõmenced and sued within the time & Limitaõn hereafter Expressed and not p. 36 after [That is to say] The said acõns of the Case other then for Slander, And the said acõns for accompt And the said Acõns for Trespass debt detinue and Replevin for goods and Chattles And the said Accons of Trespasse quare Clausum fregit within two yeares after the end of this present Session of Generall Assembly or within two yeares after the Cause of such Acõn and not after And the said Accons Vppon the Case for woords and acõns of Trespasse of assault Battery wounding imprisonment or any of them within one yeare next after the End of this present Generall Assembly or within one yeare after such Cause of acõn and not after And Bee itt further Enacted by the Authority aforesaid that in all acõns upon the Case for Slanderous words to be sued or prosecuted by any person or persons in any the Courts of Record of this Province That hath Power to hold plea of the same after the End of this present Assembly if the Jury vpon the tryall of the issue in such Acõn or the Jury that shall inquire of the Damages doe find or assesse the damages vnder forty shillings then the Plaintiffe or Plaintiffes in such Acõn shall have and Recover onely soe much Cost as the damages given or assessed amount vnto without any further Increase of the same any Lawe Custome or vsage to the Contrary in any wise notwithstanding

Provided Never the Lesse And Bee itt Enacted by the Authority aforesaid that if any person or persons that is or shall be intitled to any such Acõn of Trespass detinue Sur

Liber W H & L. Trover Replevin accōns of accompt accōns of debt accōn of Trespass for Assault Menace Battery wounding or Imprisonment accōns vpon the case for words be or shall be att the tyme of any such Cause of Accōn given or Accrued fallen or come within the age of one and Twenty yeares feame Covert non Compos mentis Imprisoned or beyond the seas that then such person or persons shall be att Liberty to bring the same accōn soe as they tooke the same within such times as are before Limitted after their Coming to or being of full age discoverte of memory at large And Returned from beyond the seas as other persons haveing noe such Impediment should have done This Act to Endure for three yeares or to the end of the next Generall Assembly which shall first happen—

An Act for the Provideing of Sufficient freight & Carriage for the propper goods and Comodities of his Lordship the Lord Proprietary of this Province and of the Gouernour of this Province for the tyme being—

Whereas Severall masters Captains and Comanders of ships resorting vnto this Province and vseing the Trade of this Pro-
p. 37 vince notwithstanding the Great Advantages which they dayly haue and enjoy by vseing the freedom of the said Trade have been found and observed dis-respectfully to Refuse to Receive on board in their ships and vessells and to carry and transport from this Province such goodes and Comodityes as are the propper goods and Comodityes of your Lordships or of your Lordships Gouernour or Gouernours of this Prouince for the tyme being Albeit Your Lordship or your Lordships officers and Agents and your Lordships said Gouernour or Gouernours his and their officer and officers haue been att all tymes ready to pay and allow such reasonable Consideration and Satisfaccōn for the fraight Carriage and Transportacōn of such goodes and Comodityes as is vsually payd or allowed or agreed to be paid or allowed by other persons from whom such masters Captains Comanders or owners of such ships have been imployed or by whom they have been agreed with for the fraight Carryage and Transportacōn of goods of the like nature and quality from this Province to the great damage and prejudice of your Lordship and the discouragement of such persons as are or shall be Imployed in the Government of this Province vnder your Lordship and Your heires

Wee your Lordships most obedient and most faithfull Servants the Upper and lower houses of Assembly in this present Generall Assembly of the freemen of this Prouince Assembled Doe most humbly beseech Your Lordship that itt may be de-

clared Ordeined Enacted and Published And Bee itt declared ordeined and Published by his Lordship the Lord and Proprietary of this Province vnder his Lordships Seale by and with the advice assent and approbacō of the Upper and lower houses of Assembly this present Generall Assembly of the freemen of this Province Assembled that from and after the twenty Nynth day of September which shall be in the yeare of our Lord God one thousand six hundred Sixty Nyne Every master Captain or Comander of any ship or vessell from time to time repayring or comeing into this Province or any part thereof to the intent to Ship Loade or fraight any goods or Comodityes within this Prouince or any the ports Hauens Bayes Rivers Creeks or places thereto belonging for the transporting of the same therein out of this Prouince shall within five dayes after his or their Arriveall in this Province or before his or their Breaking of Bulke or landing any goods Comodityes or Merchandizes within this Province or any the ports or places thereto belonging give notice vnto the said Lord and Proprietary his heires or assignes Lord and Proprietary or Lords or Proprietaryes of this Province or their Gouernours of this Prouince for the time being of such his or their Arriveall and of the port or place where such Ship or Vessell shall soe arrive Together with the name and Burthen of such Shipp or vessell And the true Porte or Place Portes or places for which the same be bound or shall be intended to be bound when the same shall depart from this Province And in case the said Lord Proprietary his heires and Assignes Lord and Proprietary or Lords and Proprietaryes of this Province or any other on his or their behalfe or his or their Gouernour or Gouernours of this Province for the time being or any on his or their behalfe shall within Tenn dayes next after such arriveall intimate vnto such master Captain or Comander his or their desire to ship freight or Lade on board and within thirty dayes after such arriveall offer or Tender to be Shipped fraighted or laden on board in such Ship or vessell and in such porte or place where such Ship or vessell shall be intend to be freighted or Laden any Goods or Comodityes being the propper goods or Comodityes of the said Lord and Proprietary or such his heires or assignes or of such his or their Gouernour or Gouernours to the intent to have the same Transported out of this Prouince into such Port or place Ports or places for which such Ship or vessell shall be soe bound as shall be intended to be bound That then in every such case every such master Captain or Comander of every such ship or vessell shall upon Such desire or Request Ship fraight or take on board and alsoe lade and Stoe in some Dry and Convenient place of such Shipp or vessell and not neere and next vnto the Ballast of such ship or

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Liber W H & L vessell such goods and Comodityes and give and signe true and Just Bills of Loadeing for the same and Carry & convey the same vnto and deliver the same att such port or place vnto which such ship or vessell shall be bound or intended to be bound when the same shall depart from this Province the danger of the seas onely Excepted) soe as such goodes and Comodityes soe desired or intended to be shipped doe not Exceed the quantity of one Tunn for every Thirty Tunns of which such ship or vessell shall be or shall be Reputed to be of Burthen And soe as the person or persons who shall make such Request or Tender doe att the time of such Request or Tender to be made agree to pay and allow such reasonable and Proporcōnable Consideracōn and allowance by the Tunn for the fraight Carriage and Transportacon of such goods and Comodityes as is or shall be vsually payd or allowed or agreed to be paid or allowed by other persons for the ffraight Carryage or Transportacōn of goods and Comodityes of the like nature or quality from this Prouince unto the place or places for which such ship or vessell shall be then bound or intended to be bound And likewise that every such master Captain & Comānder who shall from and after the said twenty Ninth day of September which shall be in the yeare of our Lord one thousand Six hundred Sixty Nyne Sayle or Neglect to give such notice or to ship fraight take on board Loade stowe and Transport such goods and Comodityes of his said Lordship his heires or
p. 39 assignes Lord and Proprietary Lords and Proprietaryes of this Prouince or such his or their Gouernour or Gouernours of this Prouince for the time being or shall refuse to give such bills of Ladeing as aforesaid according to the true intent & meaning of this present act shall for every such offence forfeite the Sume of tenn pounds starling for every Tunn soe Refused to the Lord and Proprietary or Lords and Proprietaryes of this Prouince to be Recovered in the Provinciall Court of this Province and that vntill the said forfeiture shall be Recovered and satisfyed itt shall and may be Lawfull to and for his said Lordship his heires and assignes Lord and Proprietary or Lords and Proprietaryes or Lords and Proprietaryes of this Province or his or their Governour or Gouernours of this Province for the time being to seize or deteyne such ship or vessell of which such master Captain or Comander shall be master Captain or Comander with all her Gunns Tackle furniture or apparell whatsoever this Act to Endure for three yeares or to the End of the next Generall Assembly which shall first happen—

To the Right Hon^ble^ the Lord Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore Liber W H & L

The humble Peticōn of Garrett Vansweringen Barbarh DeBarrette wife of the said Garrett Elizabeth Vansweringen and Zacharias Vansweringen Children of the said Garrett and Barbarah, Isaack DeBarette Robert Roelands Jean Jourdaine John Vanheock Charles Dele Roche and Peter Johnson all Resydents and Inhabitants of this Province.

Humbly Sheweth vnto your Lordship that your Peticōner Garret Vanswaringen was born in Reensterdwan in Holland vnder the Dominion of the states Generall of the vnited Prouinces Barbarah DeBarette in Valenchene in the Low Countryes Belonging to the King of Spayne Elizabeth Vanswaringen in Newamstell in Delaware Bay then vnder the Government of the said States Generall Zacharias Vanswaringen there alsoe Isaac DeBarrette att Harlem in Holland aforesaid Robert Roelands in Brabant within the Dominions of the said States Generall Jean Jourdain att Rouan in the kindome of ffrance John Van heeck in the Collony of Virginia vnder the Dominion of his Majesty of great Brittaine Charles Dele Roche within the kingdom of ffrance and Peter Johnson in the kingdome of Sweadland and your Peticoners being now Remoued into this Province have for divers yeares therein Inhabitted being invited to come and dwell within this Province by and vpon Confidence of your Lordships declaracōn of the second of Iuly one thousand six hundred forty and Nyne whereby you did impower your Gouernour from time to time to grant lands vnto any persons of french Dutch Spanish Swedish or other forreign descent in the same in as ample manner and vpon the same Tearmes & Provisoes as he was thereby Impowered to grant p. 40 Land to any person or persons of Brittish or Irish discent and dureing their said abode within this Province Your Peticōners haue beene alwayes faithfull and obedient vnto your Lordships Lawes Yett for that your Peticōners are not of Brittish or Irish discent they cannot take benefitt of the Lawes and Customes of this Prouince as other the good people of this Prouince of Brittish or Irish discent may To their great losse prejudice and hinderance as alsoe to the deterring of divers others of the forreigne nations aforesaid by comeing into this Prouince and by Consequence foreslowing the peopling of this Prouince with vsefull artificers and Handicrafts men May itt therefore please your Lordship of your abundant goodness and wonted care of and over this Province That itt may be ordained and Enacted by your Lordship and be itt ordeined and Enacted by the Right Hon^ble^ the Lord Proprietary of this Province by and with

Liber W H & L

the advice and Consent of the upper and lower house of this present Generall Assembly That your Lordships humble peticōners Garrett Vansweringen and Barbarah his wife Elizabeth and Zacharias Vansweringen Isack DeBerelle Robert Roelants Charles De Le Roche Jean Jourdaine John Vanheck and Peter Johnson and every of them shall from henceforth be adjudged Reputed and taken as Natureall borne people of this Prouince of Maryland and alsoe that they and every of them shall and may henceforth by the same Authority be Enabled and adjudged to all intents and purposes able to demand challenge aske have hold and Enjoy any lands tenements Hereditaments and Rents within this Prouince as heir or heires to any of their Ancestors by reason of any discent in feesimple or ffeetayle Generall or Speciall or Remainder Vpon any fee tayle Generall or Speciall or come to them or any of them by any discent in fee simple ffeetayle Generall or Speciall or Remainder vpon any Estate tayle as aforesaid or by any other Lawfull Conveyance or Conveyances or meanes whatsoever as if they and every of them had been borne within this our Province or were of Brittish or Irish discent as aforesaid and alsoe that they and every of them from henceforth may and shall be Enabled to prosecute maintaine and avow Justifie and defend all manner of accōns Suites plaints and other demands whatsoever as Liberally ffrankly freely fully Lawfully and securely as if they and every of them had been Natureally borne within this Province of Maryland or were of Brittish or Irish discent and as any other person or persons Natureally borne within this Prouince or of Brittish or Irish discent may any wayes Lawfully doe Any Lawe Provisoe Act or Custome of this Province or other thing whatsoever had made ordeyned or done within this Prouince to the Contrary thereof in any wise to the Contrary Notwithstanding

And your peticoners shall as in duty bound pray &ca

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An Act Limitting the Extent of Attachments and Provideing what shall be Levied vpon Attachments & Execucōns

Wee the Delegates of the Lower house of this present Generall Assembly haueing taken into our serious Consideracōn the many mischiefes and inconveniencies accrueing to the good people of this your Lordships Province and other Merchants tradeing in and therevnto by Reason of Attachments issued out of the Provinciall & County Courts of this Prouince grounded vpon an act of Assembly held att saint Iohns the fourth day of March one thousand six hundred forty seven Intituled an act touching the Extent of Attachments and

Execucõns whereby amongst other things itt is Enacted that noe Attachment shall or may be laid upon any the goods and Chattles of any Inhabitant within this Province Except the true owner thereof be not att that time Resident or dwelling within this Province by Collour of the Authority of which Act there being noe certain Rules prescribed for proceeding upon such Attachments the Estates of severall people of this Province have in their absence out of the Prouince beene Condemned and Leavyed without the partyes Privity or makeing any defence by himselfe or his Atturney and the said party or partyes soe absent are by the practice of the said severall Courts Excluded and Debarred from makeing any Iust defence against the said Attachments (though Issued out vpon very slender proof and security vnlesse he or they by him or themselves or his or their Attorney come within a yeare and a day after the said Attachments Issued out and make such their defence to the great prejudice and almost utter Ruine of many of the good people of this Province and Marchants Tradeing therein and thereunto Liber W H & L

Wee doe humbly pray that itt may be Enacted And Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary of this province by and with the advice and assent of the upper and lower house of this present Generall Assembly ordeined and Enacted That from and after the Publicacõn hereof all and every person and persons whatsoever Inhabitants within this Prouince and all and every the Marchants tradeing hither and leaveing Effects here that shall depart this Prouince That all and every such person Inhabitant and Marchant that shall soe depart this Prouince shall before their departure make Constitute and ordeine one or more Attorney or Attorneys for them in all accõns writts or plaints whatsoever to be brought against them by any other person or persons whatsoever in any Court or Courts whatsoever And the said Letter of Attorney to Record in the Provinciall Court and in the County Courts where they did last Remayne and Inhabitt before he or they shall be admitted to have any passe to Lycence such his or their departure and that noe Attachment shall be layd upon any the goods or Chattles of any Inhabitant within this Prouince Except he or They be not att that tyme Resident or dwelling within the Prouince or have not left any Attorney in his place vpon Record as aforesaid And if any person or persons within this Prouince shall desire to prosecute any person whatsoever absent and not haveing left an Attorney as aforesaid vpon any Attachment Bee itt by the Authority aforesaid Enacted that noe attachm^t^ shall Issue out of any Court of this Province whatsoever before a writt or Sum̃ons be first Issued out against such persons absent or hath left noe Atturney as aforesaid p. 42

Liber W H & L directed to the Sherriffe of the County where the party soe prosecuted did dwell and Reside who is hereby Enjoyned to leaue a Coppy of such writt or Sum̄ons as alsoe a Coppy of the Declaracō̄ or cause of accō̄ to be for that purpose with the said writt or Sum̄ons sent to him by the party prosecuteing the same and after a due Returne made of the said writt and vpon Sufficient proofe by wittnesses as the said Respective Courts shall thinke fitt of the Prosecutors demands and debt made by his said declaracō̄ sett forth itt shall and may be Lawfull for the Iustices of the said Courts to award an attachment against the goods and Chattles of him the said party prosecuted and not appearing by himselfe or his Attorney which are or shall be in the possession of any person or persons for his use in this Prouince and after the Returne of the Execucō̄ of such Attachment made the same to Condemne and order to be delivered by way of Execucō̄ to the said party prosecuteing by the Sherriffe of the County where such goods lye hee the said party prosecuteing alsoe giveing good and Sufficient Security to the Justices of the said Respective Courts to indempnifye the Court against all accō̄s suites or other matters that may happen touching or Concerning the said Attachment and to make Restitucō̄ of the goods Received or the value thereof by virtue of the said Attachment in case the said party prosecuted or his Attorney doe within one Yeare and a day to be Accounted from the tyme of the said Attachment awarded come in and make his and their Just and due defence and proceed on in the said accō̄ in Com̄on forme and make it appeare the prosecutor is Satisfyed his Just demands and debts or any part thereof by him then Prosecuted Provided alwayes that noe Sherriffe shall Leavy by way of Execucō̄ of any the goods or Chattles of any person soe prosecuted within this Prouince any more then soe much as amounts to the debt Recovered and Costs of suite mentioned in the writt of Execucō̄ Provided alsoe that noe Sherriffe of any County within this Prouince shall by any Attachment or Execucō̄ had upon such attachment or any other Execucō̄ whatsoever obteined in any Court within this Prouince Leavy and Seize or take the goods and Chattles of any Inhabitant within this Prouince that shall be then Resyant or absent as aforesaid soe farr as to deprive them of all Livelihood for the future but that Corne for necessary maintenance Bedding gunn ax pott & necessary Labourers Tooles with such like houshould Imple-
p. 43 ments and Amunicō̄ for subsistance shall be protected from all such Attachments And Execucō̄s soe long as he or they shall Inhabite within this Prouince And Provided alsoe that such as shall be found by proofe or other Circumstance wilfully to absent themselves into the woods or elce where from the

Sherriffes sight whereby they Cannott be found to be brought to a tryall and such alsoe as shall be intended to depart or fly out of the Prouince (to be averred vpon oath) shall have noe Benefitt of this Lawe but that an Attachment or Execucõn may Issue forth on all or any of his or their goods or Chattles This act to Endure for three yeares or to the End of the next Generall Assembly which shall first happen Liber W H & L

An Act for Recording the Iournall of the Lower house

Whereas itt is thought good for the Benefitt and Enlightning of future Assemblyes, That a Record be kept of all proceedings that shall passe in the lower house of Assembly in this Prouince be itt therefore Enacted by the Right Hon^ble^ the Lord Proprietary of this Prouince by and with the advice and Consent of the upper & lower house of this present Generall Assembly That the Clarke of the lower house of Assembly for the time being transcribe the said Journall within two moneths after the desolucõn Prorogacõn or adjournment of the said Assembly and deliver the same into the secretaryes office upon the penalty of five hundred pounds of Tobacco to the Lord Proprietary and the Losse of his Salary for his seruice in the Assembly the said fine and forfeiture to be Leavyed vpon the said Clarke by the Appointment of the Lieutenant Generall or Gouernour of this Prouince for the time being vpon Certificate from the Secretary of this Prouince for the time being that the said Journall as aforesaid is not by the said Clerke of the lower house delivered into the secretaryes office as aforesaid

And it is hereby further Enacted by the Authority aforesaid that the secretary of the Province for the tyme being shall be Enjoyned to Examin the secretaryes office touching the purport of this Act and make Certificate to the Governour or Leivtenant Generall for the tyme being That thereby the fine and forfeiture aforesaid may the more duely be Leavyed

An Act Provideing what shall be good Evidence to prove forreigne debts

Wheras diuers persons in the kingdom of England and other places have in their hands bonds of divers and sundry persons now Resideing in this Province and send them to Certain Attorneys here to be put in suite against the debtors here which for want of a Law to Explaine and ascertaine what shall be a sufficient proofe and Evidences for the proveing the said bonds to be the Act and deed of the debtor and by them to be Sealed

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and delivered Neither is there any way for the debtors to discharge themselves of the same if they haue Satisfyed the same any way as by bringing the Creditor vpon his Oath to declare and sett forth if he hath Received the said debts or any part thereof or whether there be not any accompts betwixt the Creditor & Debtors whereby he may discount the same or to prove his Releases the wittnesses liveing Remote and vnpossible to bring them viva voce to give their Testimony therein which thing proveth oftentimes very prejudiciall to both parties To prevent which and to give Redresse therein for the future

Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the advice and assent of the upper and lower house of this present Gener^l^ assembly That all Debts of Record whether by Judgment Recognizeance deed inrolled and upon Record the Exemplificacon thereof vnder the Seale of the Court where the said Iudgments were given or where the said Iudgments is Recorded shall be a Sufficient Euidence to prove the same And alsoe that all other debts by bonds bills accompts or otherwise that shall from and after the first day of November next ensueing hither to be putt in Suite against any person whatsoever liveing and Resideing within this Province shall be proved by the Oath of the wittnesses therevnto before a Publick Notary or other officer Lawfully Authorised therevnto of the Country or place wheresoever itt shall happen the said Bonds or Bills shall be sent from at which time and before the which said Publique Notary or Publique officer shall be present the Creditor who shall then likewise before the said Publick Notarie or other officer of the place soe Authorized upon his Corporall Oath declare that the said debt or any part or parcell thereof is not Satisfyed or that there is not any accompts Between the said Creditor or Debtor by which the said Creditor may be likewise indebted to the debtor to the value of the said debt or any part thereof for any matter or thing accrued since the tyme of the date of the said bond bill or Instrument or whether the said Creditor hath not given to the Debtor any Release for the same to be sent together with the proofes vnder the hands and Seales of the Publick Notary or other publick officer therevnto appointed which if the Creditor shall Refuse or Neglect to performe and doe Then the said matter or thing by the said Publick Notary or other officer soe by them Certifyed as aforesaid shall not be Received as any Evidence to prove the said debt And if the Creditor be dead and his Executor or administrator sue any such bond bill accompt or otherwise and sue the said Debtor for the same the Executors or administrators in like manner before such Publick Notary or other officer for that purpose appointed shall Sett forth and declare vpon their Oath whether or not they have not heard

the Creditor in his life time acknowledge that debt to be Satisfyed or whether or not Vpon Sight of the Creditors booke writeings or accompts they haue not seene Creditt given to the Debtor since the day of the date of the makeing the said Bill bond or begining of that accompt soe sued for all which in like manner is to be Certifyed by the Publick Notary or other officers therevnto appointed vnder his hand and seale to be sent along to this Country Together with the Testimony of the wittnesse[s] that have Testifyed to the said bonds bills or accompts or otherwise all which if the said Executors or administrators shall Refuse or Neglect to doe then the said matter or thing by the said Public Notary or other officer appoynted as aforesaid Certified shall not be Received in Evidence for valid against the Debtor Provided though the proofes and Evidence be Sufficient that the Plaintiffe obteine Judgment for the said debt noe Execucõn shall Issue forth against the Defendt vntill the originalls be given and delivered up to the Defendt or his Attorney or Sufficient & Legall Releases in Case the Originalls be Lost And Bee itt further Enacted that all and every the Attorney or Attorneys who shall be imployed in the Prosecucõn of such suite shall put in Security to pay to the Defendt all such Costs and Charges as shall by the said Defendant be in that Cause Expended in case the plaintiffe be Cast in the suite Provided likewise that noe accompt bill bond Judgment Recognizance Statute Marchant or of the Staple or other Specialty whatsoever although proved and Certifyed as aforesaid shall be good Pleadable or admitted in Evidence against any person or persons in this Province where the Debtor or Creditor are both dead and the debt or thing in demand or accõn are above twelve yeares standing This Act to Endure for three yeares or to the end of the next Generall Assembly which shall first happen

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An Act for Encouragement of such persons as will vndertake to build watermills

Dayly Experience shewing that the want of watermills is the true Cause that husbandry in tilling the ground for and sowing of wheat and Barly is but coldly prosecuted though the Advantages thereby in rayseing the stock of Neate Cattle be great and for asmuch as for the most part the places fitt for Setting up watermills are already in the hands of persons vnder age or vnable to be att the Charge of building a watermill or else of such as are wilfully obstinate in for bidding and hindring such persons as would purchase the said places fitt for building watermills and sett them up to the Encrease of our trade and

Liber W H & L Navigacō̄n much to the Publick damage of the Province The freemen in this present Generall Assembly doe pray that it may be Enacted And Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary of and with the advice and Consent of the upper and Lower houses of this present Generall Assembly and by the Authority of the same That if any person or persons from and after the last day of Iune next shall desire to Sett up a watermill vpon any Land next adjoyning to any Runn of water within this Province not being the propper possession or free-
p. 46 hold of the said person or persons nor leased to them by his said Lordship or other persons to the intent thereon to Sett a watermill they shall purchase a writt out of his Lordships Court of Chancery directed to the Sherriffe of the County where such land lyeth Requireing him by the Oathes of twelue men of his County to Enquire what damages itt would be to the Lord Proprietary or others to haue a mill Sett up in such place as aforesaid the forme of which writt followeth viz^t^

Cæcilius Absolute Lord and Proprietary of the Prouinces of Maryland and Avalon Lord Baron of Baltemore &^ca^ To the Sherriffe of N. N. County greeting wee Cō̄mand you that by the Oathes of twelve honest and Lawfull men of the County by whome the truth of the matter may be better knowne diligently to inquire if itt be to the Damage of us or others if we grant to N: N: of N County Tenn Acres of Land lyeing att N. in the County aforesaid on each side of the Runn of water there Running together with liberty and licence thereon to sett a Certain watermill as alsoe liberty to take sett, Cutt downe and Carry away either by land or water any wood or Timber fitt for building of a mill other then Timber fitt to Splitt into Clapboards vpon any the lands next adjoyning to the said Tenn Acres of Land lyeing on each side the Runn of water att N. N. aforesaid in the County aforesaid And if itt be to the damage or prejudice of us or others then to what damage and what prejudice of vs and to what damage and prejudice of others and of whom and in what manner and how and of who or of whome the aforesaid Tenn Acres of Land are holden and by what Service and in what manner and how and of what value they are by the yeare according to the true value of them now before any further improvement made of the said Tenn Acres and who are the present possessors of the said Tenn acres and who and how many are the measnes Between us and the present possessors of the said Tenn acres and what lands or Tenements Remaine to the present possessors over the said tenn acres And if the lands Remaining to the present possessors over the said Tenn Acres will suffice to vphold their mannor viz^t^ the Sixth part of the Mannor allotted by the Condicōns of plantacō̄n for the Demeasne as before the Alienacō̄n for build-

ing of amill And that the said possessors in assizes Iuryes and Recognicōns may be putt as before the Alienacon soe that the County by the Alienacōn aforesaid in default of the present possessors more then was wont be not Charged and greived and the Inquisicōn thereupon openly and distinctly made to us in our Chancery vnder thy seale and the Seales of them by whom itt was made without delay send &ca Vpon Returne of which writt in case the person or persons whereby the said Inquest shall be found to be the true owners and possessors of the said land fitt to build a mill vpon Shall Refuse to build a mill thereon and to give Security to the Lord Proprietary by bonds of fifty thousand pounds of Tobacco with Condicōn to begin to build amill thereon Within twelve moneths from that day to be Computed and Reckoned and the same building to prosecute and finish within twelve moneths after the said beginning or laying the foundacōn as aforesaid for the publick good of the Prouince itt shall be Lawfull to and for his said Lordship his heires or successors or in his or their absence for his or their Leivtenant or Cheife Gouernour here for the tyme being from time to time to grant any such tenn Acres of land fitt to build a water mill vpon as aforesaid together with free Egresse and Regresse to the said watermill either by land through any mans land next adjacent or elce by water together with liberty to fell any Timber for building the said water mill other then board Timber fitt to Splitt or cleave into Clapboards for any time or Terme not Exceeding Eighty yeares then next to come vnder the yearely Rent of the land then by the Oathes of twelve men by virtue of the writt aforesaid Returned to be payd to the owner of the land soe found and Returned as aforesaid which said grant from his said Lordship his heires and successors or from his Leivtenant and Cheife Gouernor here as aforesaid shall be good and avayleable in law to the grantee as aforesaid for any terme of yeares not Exeeding Eighty yeares as aforesaid against all persons whatsoever any law Custome or vsage heretofore had made or vsed within this Province to the Contrary hereof notwithstanding Provided alwayes that before any person or persons whatsoever shall have such grant to build a watermill as aforesaid they shall Enter into a bond to the Lord Proprietary with two Sufficient Suretyes in the sume of fifty thousand pounds of Tobacco with Condicōns to begin to build the said watermill within twelve moneths then next to come after such bond given and the same building to prosecute Compleate and finish within twelve moneths after such Begining.

Liber W H & L

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And for the great advantage that is already found to the prouince in Generall by the mills already built some of which doe stand vpon lands whereof the title is doubtfull for want of

Liber W H & L

due forme of the Conveyances or the last wills and Testaments by which the lands haue been Conveyed or devized to the builders of such mills Bee itt further Enacted By the Authority advice and Consent aforesaid that all and every such person or persons who haue built mills shall or may have such writt or writts as aforesaid to Enquire of the true yearly value of the land whereon such mill doth Stand and of Tenn acres on each side the Runn as aforesaid and upon Returne of such writt as aforesaid in forme aforesaid shall haue a grant from his Lordship or his heires or his or their Leivtenant here as aforesaid for any Terme not Exceeding Eighty yeares and vnder the yearely Rent Returned as aforesaid to be paid to the Right owner of the land as aforesaid any law usage or Custome within this Prouince had made or vsed to the Contrary hereof Notwithstanding

An Act Limiting ordinary Keepers.

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Whereas divers ordinary Keepers within this Province doe frequently Exact & Charge Excessive Rates for their drink victuals & other necessary accomodacõns of Persons Resorting thither which may ꝓve to the great Inconvenienses of the Inhabitants of this Province if noe Provision be made for the Regulacõn thereof Bee it therefore Enacted by the Right hono^ble^ the Lord Proprietary by & w^th^ the advice & Consent of the vpper & Lower house of this ꝓ^r^sent Generall Assembly that from & after the Publicacõn hereof no Ordinary Keeper Inholder or other ꝑson Keeping a victualling howse or howse of Entertainm^t^ w^th^in this Province shall for the future Sell & be allowed for Rumm above fforty pounds of Tobacco ꝓ gallon for ffrench Brandy one hundred pounds of Tobacco ꝓ gallon English Spirits Twenty five pounds of Tobacco ꝓ quart Bottle dutch drams fforty pounds of Tobacco ꝓ gallon for Perry Quince & Syder Twenty pounds of Tobacco ꝓ gallon Muscavado Sugar Eight pounds of Tobacco ꝓ pound Refined white sugar Sixteene pounds of Tobacco ꝓ pound Lime juice Twenty pounds of Tobacco ꝓ quart Vinegar Twenty pounds of Tobacco ꝓ gallon ffrench wine fforty pounds of Tobacco ꝓ gallon Canaries & Maligoe one hundred pounds of Tobacco ꝓ gallon all sorts of Maderae ffiall Porta Port & other Portugall wines Sixty pounds of Tobacco ꝓ gallon Clarett forty pounds of Tobacco ꝓ gallon strong beer and ale either made within this Province or brought from fforreigne ꝓ Twenty pounds of Tobacco ꝓ gallon for dyett tenn pounds of Tobacco ꝓ meale for good Lodging to Every ꝑson accomodated w^th^ a Bedd ffower pounds of tobacco ꝓ night & the like Rates Every ordinary keeper is hereby Enjoyned to Observe for a greater

or Lesser Quantity of the aforesaid Rates of drink & other Accomodacõns & shall not directly or indirectly Take demand Exact or be allowed more then the Limitacõn before specefied And be it also ffurther Enacted by the Authority Aforesaid That Every Ordinary keeper Inholder or other victualler wthin this Province Keeping a House of Entertainment that shall for the ffuture Adulterate any Liquors or directly or Indirectly Exact more Either for drink dyet Lodging or other necessaries then what is here Specefied & Allowed them in this Act shall not only loose Every such debt as shall by Sufficient proofe appeare to be vniustly Charged Contrarie to the True intent & meaning of this Act but also forfeit ffive hundred pounds of Tobacco the one halfe to the Lord Proprietary the other halfe to the informer or him or them that shall sue ffor the same in any Co^{e} of Record in this Province Either by accõn of debt Bill Plaint or Informacõn wherein noe Essoyne ꝓteccõn or wager of Law to be Allowed This Act to Endure for Three yeares or to the End of the next Generall Assembly w^{ch} shall first come

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An Act for Reviving of Certain Lawes within this Province

Forasmuch as many good & wholsome Lawes have beene formerly made & Enacted in this Province w^{ch} being but Temporary Lawes will of themselves expire if not Revived & Continued by this ꝑsent Generall Assembly Be it Therefore Enacted & ordeined by the R^{t} Hono^{ble} the Lord Proprietary By & with the advice & Consent of the vpper & Lower howse of this ꝑsent Generall Assembly & the Authority of the same that these Lawes ffollowing be by the Power & Authority afores^{d} Revived & continued (To Witt) One Act made att A Generall Assembly held at S^{t} Leonards the Seaven & Twentyth day of Aprill one Thousand six hundred ffifty & Eight Intituled Act Concerning the Gage of Tobacco Hogsheads An Act made at the same Assembly Intituled an Act Probibiting .... Leaves & Seconds. An Act made at the same Assembly intituled an Act Conceerning a Register of Births Marriages & Burialls One other Act made att an Assembly held at St. Marie's the Seavententh of Aprill one thousand six hundred sixty one Intituled an Act for the Appointm^{t} of Certaine Officers One other Act made at the same Assembly intituled an Act for military dissipline One other Act made at the same Assembly intituled an Act concerning the Height of ffences One other Act made at the Same Assembly intituled an Act for the Conveyance of all Lett^{s} Concerning the state & Publique affaires One other Act made att a Generall Assembly held at S^{t} Mary's the ffirst day of Aprill One Thousand six

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hundred sixty Intituled an Act for those Servants That have Bastards wth this Amend^{mt} (viz^{t}) Instead of (or her Oath taken before some Magistrate) shal be put. And her Oath taken Before some Magistrate one other Act made at the same Assembly intituled an Act for the Publicacō̄n of marriages One other Act made at the same Assembly Intituled an Act for Publicacō̄n of Marriages One other Act made att the same Assembly intituled an Act Concerning the Paym^{t} of ffees due from Criminall ꝑsons One other Act made at the same Assembly Intituled an Act Concerning ꝓceedings at Law One other Act made at the same Assembly intituled an Act Concerning Taxable ꝑsons one other Act made at the same Assembly Intituled an Act concerning the Secretary & Addicō̄n to his ffees (Except the clause in the said Act (viz^{t}) That the Secretary of this Province shall send to each Respectiue County Co^{t} within this Province all the Lawes of this Province In force with the Lesser Seale affixed to them for the w^{ch} each County shall pay to the Secretary one Thousand pounds of Tobacco in Cask w^{ch} is not to stand Revived One other Act made att A Generall Assembly held at S^{t} Maries the ffifteenth day of Aprill one Thousand six hundred sixty three & Continued there by Adiournm^{t} till the third of Octob^{r} ffollowing & After Adiourned till the Second Tuesday in Septemb^{r} One Thousand six hundred sixty & ffower Intituled an Act ꝑhibiting arrests One other Act made at the same Assembly intituled an Act for the Preservacō̄n of Orphanes Estates wth this Amendm^{t} (viz^{t}) instead of (That act will & Testam^{t}) shall be inserted all Such wills & Testam^{ts} the Sabbath dayes & dayes of Gen^{ll} muster & Trayning An Act made at the same Assembly Intituled an Act Enjoyning Sheriffes to take Bayle An Act made at the same Assembly intituled an Act for Amerciam^{ts} in the Provinciall & county Cor^{ts} one other Act made at the same Assembly Intituled an Act for the Leviing the Survey^{s} Gene^{lls} ffees one other Act made at an Assembly held at S^{t} Maries the Tenth day of Aprill one thousand six hundred Sixty six Intituled an Act Prohibiting the Trade wth Indians for any fflesh dead or alive Except dear and wild ffowle one other Act made at the same Assembly Intituled an Act Prohibiting fforeigne Ingrosers one other Act made at the same Assembly intituled an Act for the Clerkes ffees & an Allowance for Jurors in Civill Causes one other Act Entituled an Act ag^{t} hogg stealers one other Act made at the same Assembly Intituled an Act ꝑviding ag^{t} Runnawaies and all such as shall Entertaine them And one other Act made at the same Assembly Intituled an act addicōnall act to the Law intituled an Act for the Publicacō̄n of marriages An Act made at the same Assembly Intituled Limitting Servants Times And the Same Acts and Every of them are

hereby Revived & Continued for the Terme of Three yeares or to the End of the next Generall Assembly wch shall ffirst happen

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An Act of Gratitude to the
Leiveten^{t} Gene^{ll} Charles Calvert Esqr^{e}

Your Lōrpps humble Servants the Two houses of Assembly in this ꝑsent Assembly of the freemen of this Province of Maryland Assembled taking into Serious consideracōn the manifold Benefits & Advantages they Reap by your Lōrpps vnwearied Endeavours in ꝑtecting them from the many Attempts made vpon the ffreedom of our Trade by Evill minded People as otherwise & in ꝑticular that yor Lōrpps hath sent yor Heire Apparent into this Province to be our Governor vndr yor Lōrpp who is now returning to yor Lōpp Sufficiently informed by euery years Experience the necessities of the Province for the Better Support of him the sd Leiveten^{t} Gen^{ll} doe Pray that it be Enacted. And be it Enacted by the Lord Proprietary by & with the Consent of the vpper & Lower House of this ꝑsent Gen^{ll} Assembly That six pence ꝑ hogshead be imposed for this yeare only vpon Every Hogshead of Tobacco being of the growth of this Province that shall be shipped on Board of any shipp or shipps vessell or vessels wthin the sd Province to be Exported this next Ensuing yeare and the Collector of the said Imposion to dispose of the same According to the Honoble the Live^{t} Gen^{ll} direccōn wch said Collector shall be by him Appointed Be it further ordeyned & Enacted by the Authority Aforesaid that the master & masters of all & Every shipp and shipps & other vessels comeing to Trade within this Province shall vpon demand made by the Collector or Collectors who shall by the order of the Liveten^{t} Gen^{ll} be impowered appointed to Receive & Collect the said Imposicōn from Every shipp or other vessell afores^{d} enter into Security to pay such Collector or Collectors Six pence ꝑ Hogshead that shall vpon any account wtsoever be shipped on Board his or their shipp or vessell to be Exported the sd paym^{t} to be made in mony bills of Exchange or Such other wayes as the sd mr or mrs of the shipp or other vessell shall agree with the Collector for according to instruccōns from the Leiveten^{t} Gen^{ll} and all ffreightes to be accountable to the master or masters for the number of hogsheads shipped for such Imposicōn as by the said mstr or masters shal be paid as Aforesaid And be it further Enacted & ordained by the Authority aforesaid for the discovery of the number of Hogsheads in Each shipp or other vessell Conteyned that the said master or masters of such shipp or other vessell shall deliver his Boatswaines Booke to the Perusall of the Said Collector or Collectors & make Oath of the

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Truth of the Same soe farr as he knoweth And that the mates Boatswaine or any other seaman shall be sworne if the Collectr See Cause to discover the Truth, of the said ffreight & if any master or masters of any shipp or other vessell shall wittingly or willingly Conceale any pt of his ffreight from the said Collectr or Collectrs appointed as aforesaid & shall thereof be Lawfully Convicted then the said master or masters shall forfeit for Every Such offence the value of all such Tobacco Soe concealed to the Lt Genll to be Recovered by accon of debt Bill or plaint in the Provinciall Cot of this Province By virtue of this Act Agt wch noe Essoyne wager of Law or Protecc̄on shal be allowed to any pson Soe offending And be it ffurther Enacted & Ordeyned That if any master or masters shall passe Bills of Exchange for the sd Imposic̄on that then the Collectr or Collectrs are hereby Required and Authorized to take Sufficient Security for the True & good paymt of the Same And be it Enacted by the Authority aforesaid That all & Every Merchant ffactr or master tht shall buy any Tobacco in this Province and the Same shall Carry away in Boates or Sloopes or otherwise to be shipped on any shipp or vessell Anchoring in Virginea side the Plantr shall Before the delivery of the said Tobacco Receive of the merchant ffactor or master to whom the Same shal be Sould the Said Impost of Six pence p hogshead for Every Hogshead by him Sould vnless the Said marchant ffactor or master shall pduce a discharge for paymts thereof vndr the hand or hands of the Collectr or Collectrs impowered to Receive the same wch if any Plantr or Plantrs shall neglect to doe them the said Plantr Soe offending shall pay & be Answerable for the same himselfe to the Said Collectr or Collectrs who shall be impowered to Receive the Same

An Act to Avoid dowble paymt of debts

Whereas divers ffactrs merchants & Inhabitants (Selling by Retaile) keeping books doe demand debts of their Customrs vpon their Bookes Long time After the Same hath bene due And when as they have Supposed the pticulars and certainty of ware delivered to be forgotten then Either they themselves or their Servants or others for them have in their Bookes divers other wares supposed to be deliu'ed to the Same pties or to their vse which in Truth never were delivered & this of purpose to increase by Such vndue meanes the said debt And whereas the said ffactrs merchants or Inhabitants have Received all the Just debt due vpon their Said Bookes doe often Times Leave the same Bookes vncrossed or any way discharged Soe as the debtrs their Executrs or Administrs are often by Suite

of Law Enforced to pay the Same debts againe To the ꝑty thⁱ trusted the Said wares or to his Execʳˢ Aminʳˢ or others Assigned to Receive the sᵈ debts vnlesse he or they cann ꝓduce Sufficient proofe by writing or witnesses of the said paymᵗ that may Countervaile the Creddit of the Said Bookes wᶜʰ ffew or none can doe in any Long time after the sᵈ paymᵗ Be it Therefore Enacted by the Right Honoᵇˡᵉ the Lord Proprietʳˢ by & with the Advice & Consent of the vpper & Lower House of this ꝑsent Genᴴ Assembly & by Authority of the Same That noe ffactoʳ Merchant or other Inhabitant Keeping a Booke as aforesᵈ his or their Execʳˢ Aminʳˢ or others Assigned to Receive the Said debts shall from & after the End of this pʳsent Genᴴ Assembly be allowed admitted or Received to give his Booke in Evidence in any accō for any paymᵗ due to be made for ware hereafter to be delivered above one yeare before the said accō Brought Except he or they their Execʳˢ Adminiʳˢ or other Assigned shall have obteyned or gotten a bill of debt or obligacō of the debtoʳˢ for the said debt or shall have Brought or ꝑsented against the said debtoʳˢ or his Execʳˢ or Aminʳˢ Some accō for the sᵈ debt or wares in one yeare next after the same wares delivered Any Law Custome or vsage heretofore had or made to the Contrarie in any wise not withstanding This Act to Endure for three yeares or to the End of the next Geneᴴ Assembly which shall ffirst happen

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An Act for marking high wayes & making the Heads of Rivers Creeks Branches & Swampes passable for Horse & ffoote

Whereas it is Thought Convenient and very much for the Benefitt of the Inhabitants of this Province that waies & paths be markᵗ The heads of Rivers Creeks Branches & Swampes be made passable Bee it therefore Enacted by the Right Honoᵇˡᵉ the Lord Proprietary of this Province by & with the advise & Consent of the vpper & Lower House of this pʳsent Geneᴴ Assembly that the Comʳˢ of each Respective County within this Province shall once Every yeare during the Continuance of this Act (vizt) vpon the twentyeth day of Octobʳ mete Together in their Respective Countyes to Consult of wᵗ high wayes are most fitt to be made or amended & Cause to be made amended & marked out the most Convenient high wayes & Paths Though their severall & Respective Countyes as also to make passable for horse or ffoote the Heads of Rivers Creekes Branches & Swampes thᵗ are most Convenient & nearest adjoyning to such high wayes or necessary paths and

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the Said Comiʳˢ are hereby impowered to appoynt Overseers Leavy Tobacco or Labor Equally to be Essessed vpon the Taxables of each Respective County to Carry on the said worke to be begunn or to Repaire the High waies already begunn or made

Provided that this Act shall not be to the Apparent damage of any ꝑticular ꝑson by making or marking any High way or path through his yard Garden Orchard or Cornefeild & vpon neglect of the said Comissionʳ for appointing Overseers & ꝑviding Laborers for the ꝑformance of the Said worke they shal be ffined ffower Thowsand pounds of Tobacco in Cask & Every Overseer Soe appointed by the Comʳˢ who shall Refuse or neglect the ꝑformance of his duty in his Charge shall be ffined Two Thousand pounds of Casked Tobacco & Every Laborer who shall Refuse or neglect his Labor shall be ffined one Thousand pounds of Casked Tobacco the one halfe of those ffines to the Lord Proprietary and the other halfe to the informer or him or them thᵗ shall Sue for the Same ffine or ffines to be Recovered in any Coʳˢ of Record wᵗʰin this Province by Bill Plaint or otherwise wherein noe Essoyne Protecc̄on or wager of Law to bee allowed This Act to continue for Three yeares or to the End of the next Geneᴴ Assembly wᶜʰ shall ffirst happen

An Act for Paymᵗ of money debts with Tobacco

Whereas it is manifest by dayly Experience that the Inhabitants of this Province are Constrayned & doe dayly Contract for debts payable in money and the Scarcity of money in this Province being such thᵗ it is not possible for the Inhabitants to make paymᵗ in kind whereby the Creditoʳˢ taking advantage of the Same doe Compell the Inhabitants to wᵗ Composition & they please to the great damage & Sometimes to the vtter Ruine of the debtor Be it therefore Enacted by the Right Honoᵇˡᵉ the Lord Proprietary by & with the Advice & Consent of the vpper & Lower house of this ꝑsent Genᴴ Assembly and the Authority of the Same That all & Every ꝑson and ꝑsons whatsoever within this Province that have heretofore or shall hereafter Contract any debts payable in money itt shall & may be Lawfull to & for the ꝑson or ꝑsons soe Contracting for the Same to satisfie his Creditʳ or Creditoʳˢ for the same in Tobacco att the Rate of Three halfe pence sterling by the pound of Tobacco

And it is Likewise ffurther by the Authority aforesaid ordeyned & Enacted thᵗ the Credʳ shall be bound Soe to accept the Same vndʳ the Penaltie thᵗ hee or they thᵗ shall Refuse

to accept such paym^t or Satisfaccõn shall be without other Remedy for his or their debts any Law vsage or Custome to the Contrarie notwithstanding This Act to Endure for three yeares or to the End of the next Generall Assembly w^ch^ shall ffirst happen

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An Act for the Releife of
Prisoners taken in Execucõn

Whereas the Inhabitants of this Province are Excedingly grieved & Burthened by Execucõns Layd vpon them for Tobacco Being often Times Sued for the Same att the latter End of shipping Time when they have Layd out their Tobacco Soe that it is not Possible for them to pcure Tobacco for any other goods & Chattels Soe th^t^ they are oft Times kept in Prison by their Credito^r^ a long time and the Porest Sort of the Inhabitants thereby vndone in that they cannot be at Liberty to make their Cropps the Next Yeare whereby they might be Enabled to Satisfie the said debts

Bee it therefore Enacted By the Right Hono^ble^ the Lord Prop^r^ by & with the advice & Consent of the vpper and Lower house of this p^r^sent Generall Assembly and by the Authority of the Same That if any Suite shall hereafter be Commenced against any the Inhabitants of this Province for any Tobacco due to any other pson for w^ch^ Judgm^t^ shall not be obteyned till Aprill Co^r^ in any yeare That then the said Iudgm^t^ shall be Entred with a stay of Execucõn vntill the ffirst day of Octob^r^ Co^t^ then next ffollowing which Said Iudgment if the said debto^r^ doe not Before th^t^ Time Satisfie then the Plaintiffe may take out his Execucõn against him for the Same And if at any time hereafter that is to Say after the day of the Publicacõn of this Act the Body of any pson or psons whatsoever shall be taken in Execucõn for any Tobacco debt he or they att that Time not having ready Tobacco to Satisfie the same it shall be Lawfull for the pty Soe taken in Execucõn to Redeem himselfe from the Execucõn by making tender to the sheriffe or the Credito^r^. of such other his Estate goods & Chattels to the double value of the debt of the best Sort to be devided into Two Equall pts which is to be Appraysed by Two able & Sufficient Appraisers the one to be Chosen for the Credito^r^ or the Sheriffs and the other to be Chosen by the debto^rs^ who are to be Sworne vpon their Corporall oaths therevnto before the next Com^cõns^ of that County Co^rt^ where the Said Estate shall Lye and after such devision & Appraysm^t^ duly made in manner & fforme aforesaid that then the Sheriffe or Credito^r^ to make Eleccõn of the one p^t^ of the said p^r^ So devided Sett forth to & appraysed at his discrecõn and the other pte or

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moyty to be & Remaine to the deptor and the ꝑson Soe taken in Execucō to be discharged both of the debt Execucō & Imprisonm^t any other Law vsage or Custome formerly in this Province had made or vsed to the Contrarie in any wise notw^thstanding This Act to Endure for Three yeares or to the End of the next Gen^ll Assembly which shall ffirst happen

An Act Appointing Co^rt dayes in each Respective County in this Province

To the intent Co^rs dayes may be Certaine and the Comissio^rs w^thin their Respective Countyes may know justly when to attend be it Enacted by the Lord Proprietary by & with the Consent of the vpper and Lower house of this Generall Assembly That for the ffuture S^t Maries Baltemore & dorchester County Court shall be held the ffirst tuesday in September Novemb^r January March Iune which shall be held for the Orp^ths And the ffirst Tuesday in August For Ann Arundell Charles & Somerset counties the second Tuesday in Septemb^r Novemb^r January March June for the Orphants And the Second Tuesday in August for Calvert County & Talbot County the Third Tuesday in Septemb^r Novemb^r Ianuary March Iune for the Orphants And the Third Tuesday in August for Kent the ffourth Tuesday in Septemb^r Novemb^r January March June for the Orph^ts and the ffourth Tuesday in August And be it ffurther enacted th^t Every Comissioner that shall not appeare att the Times above mecō̄nd and att the vsuall places Appointed in their Respective Counties shal be ffined one hundred pounds of Tobacco for & towards the Building of stocks whipping posts and Pillory for the Enecucō̄n of Iustice or to be disposed as the ꝑsent Com^rs shall thinke ffitt vnles such Com^r or Com^rs shall shew good Cause to the Contrary to be allowed by the maier votes of the Comissioners at the next County Cort And this Act to Continue for three yeares or to the End of the next Generall Assembly w^ch shall ffirst happen

An Act Providing against Sherriffes taking Excessive ffees

Whereas by an Act made att a Gen^ll Assembly held at S^t Maries the Twenty Ninth day of Aprill one Thousand Six hundred & ffifty there are Certaine ffees Set downe & appointed for the Sherriffes ffees vpon any arrest (to witt) for Serving any writt or warrant ꝑ Head Tenn pounds of Tobacco taking Bond for appearance ffive pounds of Tobacco Imprisoning One

Or Release Tenn pounds of Tobacco Tending vpon a Prisoner p day twenty pounds & there being noe Penalty in th^{t} or any other Law made in this Province for Restraining of sherriffes from taking Exaccõns ffees they are thereby Encouraged to Exact from the People of this Province Excessive ffees and by Coller of that Act they doe take & demand of Every pson by them arrested for their Imprisonmen^{t} or Release Twenty pounds of Tobacco though it allowed no such ffee according to the true intent & meaning of the said Act & for attending the Prison^{rs} fforty pounds of Tobacco p day Contrarie to the Said Act to the great p^{r}iudice of the good People of this Province for Prevention whereof for the ffuture Bee it Enacted by the Right Hono^{ble} the Lord Proprietary of this Province by and with the advice & Assent of the vpper and Lower howse of this p^{r}sent Gen^{ll} Assembly And by the Authority of the Same That from & After the Publicacõn hereof noe Sherriffe wthin this Province shall or doe p^{r}sume to ask take demand or Receive of or from any pson within this Province any Sume or Sumes of money or Quantities of Tobacco whatsoever for Imprisoning or Releasing of any pson Arrested by them or their deputies or officers & for Attending vpon any pson Arrested And for their dyet & Lodging Twenty pounds of Tobacco p day no more or any other or more ffees Then what are Sett downe in this said Table of ffees in the Said Act conteyned vnd^{r} the Penalty of one thousand pounds of Tobacco for Every Such Offence the one halfe to the Lord Proprietary and the other halfe to the pty wronged To be Recovered in any Co^{rt} of Record wthin this Province by accõn bill or plaint wherein no Essoyne pteccõn or wager of Law shall be allowed And ffurther whereas they the said Sherriffs doe by Collo^{r} of the Said Act Take Exact & Receive of Every pson & Prisoner they take in Execucõn fforty pounds of Tobacco p day and vpon Surety or otherwise Lett them goe at Large whereby psons having that Lyberty never take Care to pay their debts or give any Satisfaccõn to their Credito^{rs} whereby they Loose the Benefitt & ffruite of their Execucõn which is the End of the Law & divers poore men which they have in Execucõn by th^{t} meanes are Ever disabled to make any Satisfaccõn to their Credito^{rs} the sheriffes getting By w^{ch} Practies the whole Benefitt of their Labour whereby the End of the Law is ffrustrated in th^{t} Behalf to the great damage of the Credito^{rs} Be it therefore Enacted By the Authority aforesaid that all such Severall and Respective Sheriffes that shall from henceforth take in Execucõn the Body of any Such pson or psons whatsoever vpon any writt of Execucõn to them directed shall not Suffer them to goe at Large but shall keepe his Prisoners according to the Law That is to say shall ord^{r} him never to stirr of his the Said

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sherriffs Plantacōn & in Case the Said Prisoners shall stirr of the Said sherriffes Plantacōn the Said sherriffe shall be Bound to pursue such Prisoners with hue & crye and if any sheriffe shall offend herein it shal be Adiudged a voluntary Escape And the Sheriffe Lyable to pay & Satisfie to the Creditors the said debt to be Recovered against him by accōn of debt or the Case at the Creditor Ellecc̄on to be Brought in any of his Lorp̄ps Cors of Record wthin this Province wherein noe Essoyne ptecc̄on or wager of the Law to be allowed This Act to Endure for Three yeares or to the End of the next Genll Assembly which shall ffirst happen

An Act for prventing servants & Criminall psons from Runing out of this Province

Forasmuch as divers Criminals as well as Servants have of Late Escaped out of this Province into our Neighbours Collonyes & have there bene Entertained & Suffered to passe through their Territories further out of reach of or Justices much to the damage of divers of the Inhabitants of this Collony For Remedy whereof the ffreemen of this Genll Assembly doe pray that it may be Enacted & be it Enacted by the Rt Honoble the Lord Proprietary with the Advise & consent of the vpper & Lower houses of this psent Genll Assembly & the Authority of the Same that there be a Logg house Prison Twenty ffoot Square Built at Augustine Harmans in Batlemore County to be Comitted to the Charge of some ffaithfull pson Such as the Leiveten Genll or other his Lorp̄ps Governor of this Province for the Time being shall thinke ffitt for the Surety & Safe keeping of Runnawayes & ffugetives as well such as shall come to vs from our Neighbour Collonies to the Northward if pursued & demanded by the Governor there as such as shall escape from vs into their Territories & precincts when by them they shall be delivered vnto vs & for the Encouragmt of or neighbor Governts to the Northward to doe vs Iustice in this Case be it ffurther Enacted by the Authority & with the Consent aforesaid that there be a stock of Tenn Thousand pounds of Tobacco Raysed this next Ensuing Cropp by an Equall assessmt vpon the psons & Estates of the ffreemen of this Province & pd in Baltimore County To Augustine Herman of the Said County to pay the defrayall Charges of Building the Prison & of Apprehending & remanding Runnawayes from deleware Bay or any other of Northerne Plantacōns vpon delivery of the Said runnawayes at the Prison or Logg howse at Augustine Hermans Aforesaid

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And for the better discovery of all runnawaies be it Enacted by the Authority & Consent aforesaid That there be a Seale devised & provided for Each County Court of this province wch said Seale shall be put into the hands of Such ꝑson or ꝑsons members of the severall & Respective County Cors as his said Lordpp or his Leiveten: or Cheife Governor here for the Time being shall thinke fitt with wch seale all writts & process of the Said Severall & Respective County Cors & all passes for people departing out of the Said Countys for fforeigne pts shal be sealed Bee it Likewise Enacted by the Authority advise & Consent aforesaid That all ꝑsons th: shall depart this Province into any of our Neighbour Collonys shal be Bound to take passes for wch passes they shall pay one shilling for the Seale & noe more or vndr the Lesser Seale of the Province vpon paine to be deemed Runnawaies & to Suffer as Runnawayes if sent back to vs out of our neighbour Collonies as in this Act is here after Provided that is to say Every ffreemen shall pay ffower hundred pounds of Tobacco & be imprisoned till he pay it & can make it appear th: he is a ꝑson ffree & noe way a fugetive from the Iustice of this Province neither in Criminall or Civill Causes and Every Servant to be imprisoned till his Master doe give Security to pay ffower hundred pounds of Tobacco the Said Sumes of Tobacco to be paid to the said Augustine Herman of Baltemore County for the Reimbursing him the Sume of Tenn Thousand pounds of Tobacco by this Act Raysed & deposited in his hands for deffraying the Charge of Apprehendinge & Bringing back Runnawayes from deleware & other Northern Plantacons for avoiding vnnecessary Expense & Charge to the Province in Keeping & mainteyning Runnawaies in prison till their masters (if they the Said Runnawayes be Servants) shall pay or Secure vnto the said Augustine Harman the charge of ffower hundred pounds of Tobacco ꝑ pole afore in this Act appointed to be paid by him the Said Augustine Harman to any of or Neighbour Governmts vpon delivery of the said Runnaways at the Prison aforesaid or till other Runnaways th: are not Servants shall pay & secure vnto him the said Sume of ffower hundred pounds of Tobacco To be paid to any the Governmts aforesaid vpon delivry aforesaid Bee it Likewise Enacted by the Authority & consent aforesaid th: it shall be Lawfull for the Keeper of the Prison or Logg house aforesaid to put the Said Runnawaies to any Bodily Labor or worke within the Said Prison for defraying the Charges of their dyett & ffees of Imprisonm: (not Exceeding the ffees due to the Severall & Respective Sheriffes for Imprisonm: all wch ffees he is by this Act allowed to take) And in Case of any stubbornes of any the said Prisoners to Correct or cause them to be Corrected by

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whipping till they shall willingly worke or ffinde other meanes to defray the Charges of Imprisonm^t Lastly for the Sure Execucō of this Act in all & Every Clause thereof Be it Enacted by the Authority & consent aforesaid th^t a Coppy of this Act Togeather with the Impression of the Seale vnd^r which only passes are to be granted be sent to o^r neighbour Colonies to the Northward And th^t they be desired to Apprehend all ꝑsons Coming into their Governm^ts precincts & Territories without such passes we Engageing as we doe hereby Engage the Publique ffaith of this Province To See the like Reasonable Act to be made by th^m or any of them to be ꝑformed on o^r p^ts when occasion shall Require Provided alwaies that till Seales for Each Severall & Respective County Co^rs can be had to Seale passes w^ch as is above said th^t all passes Sealed w^th the Seale of Augustine Herman aforesaid & Signed by him he is hereby Authorized from Time to Time to Signe & Seale for the ffee of one shilling for Each passe aforesaid shall be held & deemed a Sufficient passe to ꝑtect & defend any man from the penalties of runnawayes in this Act ꝑvided as aforesaid

An Act for the Reviving & Amendm^t of an act Intituled an Addicōnall Act to an Act Concerning the paym^t of ffees due from Criminall Persons

Be it Enacted by the R^t Hono^bl the Lord Prop^r by & with the Advice & assent of the vpper & Lower howse of this ꝑsent Gen^ll Assembly that the Said Act & all the matters & thinges therein Conteyned doe stand & be hereby Revived with this Addicōn th^t the s^d Justices of the peace in Each Respective County within this Province shal be & are hereby Impowered to make inquisicōn after all Such Servants Criminall for whom the County hath defrayed the sheriffes ffees & they the Said Justices according to their best discrecōns shall ord^r the Said Servants to make Such Reasonable Satisfacōn to the County as they shall thinke fitt & in Such manner as they shall ffinde Convenient & th^t in Case the Said Servants Criminall shall Remove unto any other County then where he was a Servant & the ffact comitted then it shall & may be Lawfull for his Lor̄ps Justices of the Provinciall Co^t att the desire & request of the Iustices of the peace of the Respective Counties to Award Such Satisfaccōn as shall be due from Such Servants Criminall to the Iustices of the Respective County Co^ts as to them shall Seme mete This Act to Continue for Three yeares or to the End of the next Gen^ll Assembly which shall first come

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An Act for paym^t^ of the Publicke Charge of this Province

Bee it Enacted by the R^t^ Hono^ble^ the Lord Proprietors by & w^th^ the Advice & Consent of the vpper & Lower howses of this p^r^sent Gen^ll^ Assembly That whereas their are Severall Sumes of Tobacco due from the Publick to the Severall Inhabitants of the Respective Counties hereafter menc̄oned to be Levied by an Equall Assesment this p^r^sent yeare & to be paid as ffolloweth

To S^t^. Maries County

To William Roswell	00400
To Robert Slye	00160
To Garret Vanswaring	00310
To Thomas Dent	00250
To Charles Roch	00656
To Marck Cordy	02000
To John Nuttell	06050
To the Hono^ble^ Governo^r^	01150
To the Hono^ble^ Chancello^r^	00520
To daniell Ienifer for the Repaire of the office & workmens dyett	02185
To daniell Ienifer for the Burgessis	05990

Kent County

To six Thousand six hundred Eighty nine pounds of Tobacco deu to the Inhabitants of the s^d^ County whose Names we know not	06689
To the Burgisses Expences M^r^. Nuttels	02805
To M^r^. Ienifer for the Burgisses	0866

Calvert County

To W^m^ Chaplin	0500
To W^m^. Dorrington	1500
To Iames Godsgrace	0200
To Hugh Stanley	1120
To Iohn Ascum	0170
To Iohn Bigger	0156
To W^m^ stanly	0046
To Henry Hooper	0100
To Iohn Marsh	0100
To Edw. Keine	0300
To Iohn Abbington	0200
To Thomas Mannings	0200
To Iohn Greives Adam Weiver Tho. Ieferies att 225^lb^ tobacco p man	0675

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To Walter Spencer & Rob. Waterson at 450 p	0900
To Andrew Murrow	0260
To Robt.. Rowle 56 Rob: Blinckhorne 70 Rich Preston 28 Andrew Hinderson 96 Wm Evens 100 Ion Webt 58 Tho Sprigg 48 Mr. Asckum 60 Richard Smith 30 is in all	0446
To Christopher Rowsby	0627
To the Governor. for Satisfiing the Indians for Bringing the Indian Prisoner to St. Maries	2000

An-Arundell County

To Edw. Parish Iohn Thurston Mathew Axston Abraham duttenat	8000
To Iohn Chancy	1000
To Capt. Wm Burgis	0600
To Nicholas Gassaway	0200
To Thomas morgan	0200
To Wm Taylor Ion Whip Hon. Anderton Same Burchfeild Charles Beven Michaell Ofly Wm Ellys Henry dabny Robert Cover Rich. Stagg	
Iohn Webster Ambrose Mallow Ion Champ Edw. Parish Wm Crosby Tho. Chandler Wm Powell Jon. Chester Georg Yeates Ion Carver Peter Bond Roger Williams Ed: Pomfreight	
Ion Henrickson Cornelius Arunsey Ralph Powell Iohn Paully Ion Hill Rich. Corist Iohn Dowly Ralph Solmon Iohn Barret Ioseph ffreind Oliver Holloway Rich: Burfeild Iohn Winter Edw. Armour Iohn Hammond Lancelot dod Iohn Gaine Iames Gager Iames ffyle Rob: Griffen Walter Phylis Hubbert Lambert Wm Egers daniell Eggis att 150 p man and Iohn Browne in all 48	7200
Capt Iames Comaway	0400
Nicholas Gassaway	0060
Capt Comaway more	0100
david Poole	0188
Henry Ridgley	0005
Ion Tabor	0100
Ion Baldwine	0200
In° Larkine	0200
ffrancis Holland	0072
Mr. Wells	0024
Abraham Bunckot	0016
Thomas Miles	0082
Thomas Taylor	0200
Richard Hill	1000
To daniell Ienifer for the Burgesses	6083

Talbut County

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To Tobacco paid the last yeare For the Publick the Sume of	18327
To Wm Coursey	0288
To Iohn Morgan	0300
To Wm Hemston	1000
To Tho: Snow	1000
To Robert dunn	0148
To Iohn Hinson	0120
To Iohn Viney	0620
To Wm Richarson	0120
To Peter Sydes	1110
To Wm younge	0120
To Henry Costing	1140
To Iohn Michell	0860
To Iohn Tarsell	0160
To Tho: dedman	0160
To Tho: Carman	0160
To Wells	0150
To Anthony dawsom	1128
To Nicholas Hackett	1928
To ffrancis Armstrong	0488
To Henry ffarman	0238
To Georg Cooly	0440
To Thomas Philips	0230
to Wm Downing	0230
to Wm ffolkner	0440
To Wm Harbut	0980
To Iohn nueman	0170
To Iohn dickerson	0180
To Humphrey Iennings	0420
To Iames Edwards	0810
To Edward Hughes	0210
to Timothy Gutrage	0564
to Robert Sawyer	0210
To Capt Philemon Lloyd	2250
To Edw: Loyd	0052
To Mr. Symon Carpenter	0348
To Tho: Sowth	0348
to William Elliot	0248
To Morisan Williams	0248
To Iohn Erickson	0348
To Ionathan Sykrus	0348
To Richard Wolman	0444
To Iohn Parker	0276
To William Younge	0444

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To Iohn Ringold	0200
To Thomas Marsh	0104
To daniell Clerke	0192
To Iohn Edmundson	0304
To Thomas Powell	0180
To Walter dickeson	0316
To will: Parrot	0392
To will: Taylor	0068
To Iohn Edmundson	0092
to Walter diskeson	0068
To Richard Howard	0024
to Iohn Ingram	0152
to will Leedes	0180
To Iohn Michell	0048
Henry Coursey	3010
Edward Lloyd	1656
Robert Curtys	1300
Iohn Esson	0700
Thomas Martin	0316
Wm Stephens litle Choptanke	0148
Philip Stephenson	0146
ffrancis Armstrong	2016
Ionathan Hopkins	1630
Ralph Elston	0100
Iohn Michell	0083
Richard Haward	0550
Thomas Newton	0500
Robert Macky	0500
Wm Jones	0090
Iohn davis	0200
Wm Shaw	0232
Thomas Killenton	0450
Henry Tripp	0400
Wm Parrott	01810
Iohn Ingram	00760
Robert Boollen	00650
Iacob Brimington	02210
Andrew skinner	00880
Ionathan Sibrey	00816
Iames Ringold	00260
Iohn ffloyd	00304
Richard Iones	00155
Thomas Philips	00040
Edward williams	00210
david Iohnson	00150
Richard Gossage	01160
Richard Woolman	00624

Cuthburd Phelps	01310	P. R. O. Colonial Entry Book No. 53
Michaell Carman	00260	
Isaack Abraham	00950	
Thomas ffurby	00140	
Wm Dorrington	02040	
Thomas Alexandr	00450	
Iohn Williams	00791	
Anthony dawson	01195	
Edward Roe	02270	
Henry Hawkins	00332	
Iames Barker	02252	
William Hemsley	01826	
Iohn Eliott	00110	
Iames Scott	00160	
Stephen Whetston	00214	
Iohn Gold	00180	
Iohn Anderton	00535	
Peter Underwood	00819	
Walter dickerson	01308	
Stephen Garey	00295	
Thomas Sowth	01120	
To Hopkins davis	05345	
To Henry Alexandr.	01100	
To Symon Carpenter	00297	
To Thomas Hynson	00781	
To Iohn Taylor	01116	
To Patrick Mullikin	00450	
To Thomas Hopkins	00330	
To Seth ffoster	02374	
To Iames Scot	0327	
To Thomas Hawkins	02000	
To william Hambleton	00402	
To william Lewis	00350	
To Thomas Powell	00698	
To Howell Powell	00026	
To Anthony Leconnt	02022	
To Georg Aldridge	00900	
To Iohn Hallingworth	00243	
To Iohn Kennemon	00470	
To Robert Alexandr.	00615	
To Iohn Richarson	00300	
To Iohn Hawching	00150	
To Wm Taylor	00519	
To Iean Griffen	00084	
To Wm Stevens	00550	
To daniell Clerke	02068	
To Alexander Thompson	01337	

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To vanswaring for the Burgis Expenses	00601
To daniell Ienifer for the Burgisses	05027

Baltemore County

To Augustine Harman	3830
To Henry ward	0540
To Mary Goldsmith	0300
To maiot. Goldsmith	0300
To Collonall Vty	3000
To Thomas Hankerson the dutch Guide from the Whore Kills	0600
To Mr Ienifer for the Burgisses Exps.	3339
To Mr Ienifer more	0918

Charles County

Capt Boreman	0080
To Thomas Allenson	0200
To Iames Glover	0100
To Archable Wawhob	0070
To daniell Iohnson	0150
To Robert Goodrig	0020
To Edmund Lindson	0100
To Bartholemew Coates	0020
To Clement Thubuts	0040
To Iohn Paine	0040
To Alexander Sympson	0050
To William Love	0010
To daniel Ienifer for Burgisses Exp̄	5667
To vanswaring for the Burgisses	0120

Somerset County

To Iames Iones	01150
To Nicholas Rise	00200
to Alexander Jameson	00052
to Richard Stephens	00150
to Anthony Iohnson	00030
To daniell Hart	00600
To dennis Overdoer	01400
To Samuell Jachson	00060
To Thomas Ball	00124
To Robt. Mordick	00100
To Thomas Clerke	00120
To Thomas Boyce	00060
To Thomas Gyles	00050
To Iohn Ellson	00030
To Iohn Winder	01036
To Mary Barnaby	00056

To Iohn Allen	00070	P. R. O. Colonial Entry Book No. 53
To Richard Mont	00150	
To Thomas Poole	00032	
To Iames davis	00030	
To Iohn Westlack	00167	
To Iohn Avery	00060	
To Thomas Marlow	00075	
To Iohn Marlow	00030	
To William Thorne	3400	
To Christopher Nuttall	0820	
To Randall Revell	1332	
To Charles Bollard	0200	
To Owen Mackren	0036	
To Edward Southward	0310	
To William ffurnish	0410	
To Richard Ackworth	0132	
R Richard White	0012	
To Thomas Till	0100	
To Iohn Harris	0200	
To maior Wm walters	0030	
To Teag Grigge	0100	
To will Planner	0040	
To Henry Boston	0192	
To Thomas Cottingham	0553	
To Stephen Horsey	0040	
To Alexandr Draper	0192	
To Ienkin Price	0150	
To Wm Chance	0030	
To Iasper Lane	0030	
To mr whaleys man	0030	
To Georg Iohnson	0392	
To Philip Berry	0070	
To Cornelius Ward	0003	
To Ellioner Keane	0050	
To daniell More	0100	
To Thomas Poole	0068	
To Iohn Iohnson	0140	
To Tobacco allowed the Publick for quartering Souldiers to be distributed by the Commissioners of the County Cot	16000	
To Mr Ienifer for the Burgisses Exps	1599	

Calvert County

Brought from ffoll	09600	
To the 4 English Souldiers wch brougt the Indian Prisoners down & payed p the Governor	00900	
To the Burgisses Expense at Mr Nuttall	00105	
To daniell Jenifer for Burgisses	04870	

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Debts dew from the Publique

Mr. Jenifer For the Publique charge of this Assembly for Accomodacons	019854
To the Clerks of the vpper & Lower Howse 3000 p man	006000
To the doore Keepers of both howses which is 600 p man	001200
To Mr. Jenifer for Accomodacon	002920
To Mr. Moy & Edward Savage for Ingroseing some of the Lawes 200 p	000500
To the sherriffe of St. Maries for Securing the Indian Prisoner	000200
To Mr. R. Jenifer for Roger Shehe	001000
To John Asckum of St. Maries County	000600
To St. Maries County	013681
To Kent County	006689
To Calvert County	010500
To Ann Arundell County	019845
To Talbot County	109585
To Baltemore County	008570
To Charles County	000885
To Somerset County	027693
To John Nuthall for Accomacon of the Governor & Sqr. Calvert	001438
	231160
To the Severall Sheriffes ffor Collecon at 10 p Cent	023116
	254276

Dorchester County	L
To daniell Ienifer for the Burgis	480
The Severall County charge for the Burgisses	
To St. Maries County	05970
To Kent County	03671
To Ann Arundell County	06083
To Calvert County	04945
To Charles County	05787
To Baltemore County	03339
To Talbot County	05628
To Baltemore County	00918
To dorchester County	00418
To Somerset County	01519
	38278

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An Act for the paym^t of the Publick Charge of the Province

Whereas there are Severall Sumes of Tobacco dew to severall ꝑsons from the Province as by account herevnto Annexed at Large Appeareth amounting in the whole to Two hundred ffifty ffower Thousand Two hundred seaventy Six pounds of Tobacco as also Thirty Eight Thousand Two hundred Seaventy Eight pounds of Tobbaco To the Severall delegates from the Severall Counties for their Expenses at S^t Maries during this Assembly besides what they have for their Boates or other necessary Expenses in comeing downe to this Assembly Be it Enacted by the R^t Hono^ble the Lord Proprietary by & with the advise & consent of this ꝑ^sent Gen^ll Assembly That the Said Sume of Two hundred ffifty foure Thousand Two hundred Seaventy Six pounds of Tobacco due as by the account herevnto annexed be Leavied by Equall Assesm^t vpon the ꝑsons & Estates of the Inhabitants of this Province & paid to the Severall ꝑsons & in the ꝑporcō̄s as in the account herevnto Annexed As also the Said Sume of Thirty Eight Thousand Two hundred Seaventy Eight pounds of Tobacco vpon the Severall Counties & in the ꝑporcō̄s herevnto in the account herevnto annexed To be paid to the Severall & Respective delegates Serving in this Assembly for the Severall & Respective Counties in the account aforesaid Specefied

The Governo^r Enacteth these to be Lawes

Charles Calvert

Memorandum the Lawes above mencōned was Published vnd^r the great Seale of this Province of Maryland the 27 day of May

1669

Philip Calvert Canc^r.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a session held at East St. Mary's, March 27—*April* 19, 1671.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

March the 27th 1671

U. H. Journal 1659-93 p. 170

At the House of Assembly at East St Mary's appeared the Right Honourable Charles Calvert Esqr Governour The honourable Philip Calvert Esqr Chancellour The honourable Sr William Talbott Baronett Principal Secretary Col Willm Calvert Thomas Trueman & Edward Fitzherbert Esqrs

On which day John Rousby was sworn Clerk of the Upper House of Assembly and Robert Ridgley was then also sworn Clerk of the Lower House of Assembly

Then appeared as Deputys or Delegates for St Mary's County Capt William Boarman Capt Luke Gardiner & William Hatton

Kent County. Arthur Wright and William Bishop

Ann Arunl County. { Capt William Burgess Thomas Taylor / Cornelius Howard & Robert Franklyn }

Calvert County { Major Thomas Brookes Charles Brookes / Richard Perry & Capt Daniel Jenifer }

Baltimore County. Capt Thos Howell John Vanhack Jno Waterton

Charles County { Henry Adams Ignatius Causin Humphry Marren señ dead) & John Bolls }

Talbot County. { Richard Woolman Philemon Lloyd Joseph Weeks and William Hamilton }

Somersett Coty Paul Marsh Roger Woolford

Dorchester Coty Daniel Clark & Henry Trippe

The Governour having given them the reasons for Calling the Assembly and being Licenced to Choose their Speaker they departed

And afterwards the said Lower Assembly appeared to the Upper House of Assembly and being asked whether they had Chosen their Speaker they answered that they had Elected Mr Thomas Taylor who was allowed of by the Governour

The same day the Upper House of Assembly were pleased upon the humble desire and Earnest Request of the Lower House to admitt Robert Carvile their Clerk Who being tendered the Oath in these words viz. You shall swear that You will faithfully serve the Right honourable the Lord Proprietary of this Province in the Office of Clerk of the Lower

p. 171

U. H. Journal 1659-98

House in this present General Assembly The Orders Votes and Proceedings of the said House You shall faithfully record true Copys of the same You shall when required give, You shall delay no Business in the said House for Fear, Favour, or Affection, & in all this You shall to your best Cunning Skill & Knowledge well behave yourself as Clerk of the said House So help You God and by the Contents of this Book was accordingly sworn

The House Adjourned till to morrow Morning at nine of the Clock

Tuesday 28th March

The House met Present as before and Baker Brooke Esqr

Adjourned this House till two of the Clock in the Afternoon

And then the aforesd persons accordingly met and received a message from the Lower House Which was their desire to know whither the Deputys of Calvert County or the Deputys of Ann Arundel County ought to take place

Upon Examination whereof

This House were of Opinion that the Deputys of Ann Arundel Coty ought to have the Precedency and sent the honourable the Secretary to satisfy them in that particular with the Records of their Commissions Constituting their County Courts

And afterwards this House sent Mr Brookes and Mr Trueman to the Lower House for their further Satisfaction therein

The Lower House Sent another Message to this House which follows in these Words Viz. 28th March 1671 This House being informed that Several Gentlemen by the several Countys Elected to serve as Delegates and Deputys for this present Genl Assembly have not appeared not being for that purpose Summoned by Writt as others were, And this House taking the same into their serious Debate and Consideration

Ordered that Mr Daniel Clark Mr Richard Woolman Capt Thomas Howell and Capt Wm Burgess do attend his Honour the Governour and Upper House of Assembly with this Order

p. 172 and the Votes of this House in relation to that Matter Viz That this House having reassumed the Debate concerning the Writts sent for summoning several of the Burgesses Delegates & Deputys Elected by the Freemen of this Province to serve in the present General Assembly and being informed that several of the Countys according to the Writts of the Sherriffs of the several Countys Ordering and impowering the Freemen of the said Countys to Elect and make choice of the said Delegates and Deputys of this House Which said Delegates &

Deputys were Chosen according to the Tenour thereof. This House Considering the Premisses do humbly Conceive that of Right the whole Number of Delegates and Deputys so Chosen ought to have been summoned to appear to serve as Delegates Burgesses or Deputys for their several Countys Whose Representatives are omitted to be Summoned to appear and serve in this Assembly U. H. Journal 1659–98

Signed by order of the Lower House of Assembly
Robt Carvile Clk.

An Answer Whereunto was by this House returned to the Lower House by the honourable Sr William Talbot Barrt Col. Calvert & Mr Fitz-Herbert in these Words Viz.

The Upper House have taken into their Consideration the paper sent to this House from the Lower House by Daniel Clark Richard Woolman Thomas Herbert and William Burgess Gent. And for Answer say that the true Reason why all persons Elected in Kent Dorchester and Somersett Countys were not by particular Writts Summoned to appear at this Assembly was because the respective Sherriffs of the said Countys at the time when they made their respective Returns desired the Governour in the name of their respective Countys not to charge their poor and new erected Countys with more Delegates than formerly they used to have and therefore the Governour sent particular Writts to no more persons in those Countys than now have appeared

John Rousby Clk of the
Upper House of Assembly

Upon delivery and reading whereof the Lower House declared that they gratefully owned the Governours Care and Affection to them shewn in that particular

Then the Lower House by Mr Clark desired of this House a Copy of the Rt honourable the Lord Proprietary's Charter to the intent they might not infringe his Lordships Prerogative p. 173

To which was Answered that they should have it

And the House Adjourned till nine of the Clock to Morrow Morning

Wednesday the 29th March

The House met again Present as before. And in regard of some Indisposition of Body in the Governour Adjourned this House till to Morrow Morning Nine of the Clock

Thursday the 30th of March

The House met Present as before with the Governour

Read the Bill for the Encouragement of Trade &ca the first time and passed.

U. H. Journal 1659–98

Read a Writt of Error and Transcript of Records inter Hooper & Burgess & al. Another inter Tully & Decosta which this House intends to Consider of the last day of this Assembly. And an Inquisition & Mandamus concerning the Estate of William Lewis dec^{d} This House thereupon sent the same Mandamus & Inquisition to the Lower House together with this Order Viz

March the 30th 1671

Was then taken into Consideration the Inquisition indented taken in Port Tobacco in Charles County the 13th day of January in the thirty ninth Year of his Lordship's Dominion relating to the Title of the Land in the County aforesaid Called Lewis's Neck and sent into this House by order of the Governour and Council to the End that as well the Title to the said Land may be Cleared as the Title of other Persons depending upon such Measne Assignments and Conveyances may be Confirmed or otherwise put into a Way to be Cleared The Upper House doe desire the Lower House to Consider of the whole Matter and the Consequences of allowing such measne Conveyances and Assignments and Certify their Opinions concerning it to this House that due Coure may by the Court of Chancery be taken in that and such like Cases hereafter.

John Rousby Clk of the Upper House of Assembly

This House having received a Message from the Lower House for their opinion about the Writt of William Bishop one of the Members of the Lower House were of Opinion that it was the mistake & misprision of the Clerk only And acquainted
p. 174 the Lower House therewith by Col Calvert and M^{r} Fitzherbert

This House received a paper from the Lower House in these Words

Viz. Wednesday the 29th day of March 1671
At the Lower House of Assembly

It being moved by a Member of this House that some persons Elected by these respective Countys to serve as Members for the said Countys in this present General Assembly have voluntarily Absented themselves in Contempt of his Lordship's Writt

And the Question being put whither this House shall put a Fine upon the members Absent or not without the Advice and Consent of the Upper House? It passed in the Affirmative by the Major part of the House to impose a Mulct for any Offence Committed against this House

The House thereupon took into their Consideration the Default of Mr James Browne Who being Elected as one of the Deputys & Delegates of Baltimore County and being Summoned by his Lordship's Writt hath not attended his Service of the Country in this General Assembly but in Contempt of his Lordship's said Writt and this House hath taken a Voyage for New England U. H. Journal 1659–98

And having resolved in the Affirmative that his Lordship's said Writt with the Limitations & Directions therein were Sufficient to Capacitate the Freemen of each County of this Province to Elect their several Members or Representatives to serve in this Assembly the Persons so Elected being Qualifyed as in the Writt is mentioned And it being also upon the question put Resolved and Adjudged by this House that, the said James Browne was duly Elected and yet that he departed in Contempt without Sufficient Licence

This House proceeded to his Fine

Ordered thereupon that the said James Brown be for his Contempt afd fined forty pounds Sterling

The Question put how the said Fine should be levyed & to whom paid when levyed

Passed in the Affirmative of the major Part that the said Fine of 40£ Sterling should be Levyed out of the Estate of the said James Brown in this Province the one Moiety to the use of his Lordship the Lord Proprietor & the other moiety thereof to the Use of the publick

This House having reassumed the debate concerning the fine aforesaid, and the Question being put if it were not necessary to acquaint his Honour the Capt General and the Upper House with the Resolves and Vote of this House touching the said Fine & the Disposition thereof and to desire their Concurrence therein and Assent thereunto And a Member of this House moving that the said Moiety of the said Fine to be Levyed and paid to the publick Use may be imployed towards the Building of a Prison at St Marys p. 175

Resolved in the Affirmative Nemine Contradicente that It is necessary to acquaint his Honour & the Upper House with these Votes and Resolves and to desire their Assent thereunto. And Ordered that Mr Henry Adams Mr Luke Gardiner Mr John Bolls & Mr Henry Tripp do Carry up the said Resolves and Votes of this House and desire their Concurrence therein and Assent thereunto And that the same Member do also Carry up the Petition of Mr Henry Tripp with the Answer of this House thereupon—

Signed by order of the Lower House of Assembly
Robert Carvile Clk

U. H. Journal 1659–98

This House upon debate thereof joined with the Lower House in relation to the Fine of the said James Brown and Declared their Consent to the said Votes in these Words Viz.

30th March 1671

This House having taken into Consideration the Votes of the Lower House concerning James Brown declared their Concurrence therein with the said House Concerning the Fine imposed upon the said James Brown This House being resolved to petition the Right honourable the Lord Proprietary that his Lordship would be pleased to give his Moiety of the said Fine towards the Building of a Prison mentioned by the Lower House

John Rousby Clk of the Assembly

And desired Sr William Talbot and Col. Calvert to acquaint the Lower House therewith

This House received the Paper following in these Words Viz.

Thursday the 30th day of March 1671

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It being moved by a Member of this House that Mr Richard Tilghman Sherriff of Talbott County had levyed and Extorted from the People of the said County more Tobaccoes than was due of the publick Levy and being told thereof he notoriously abused the whole Commission of that County Saying it was the Ignorance of the Commrs that did not cast up the Levy right or to that Effect

That this appearing to be true upon Examination by the Testimony of several Members of this House and Commrs of that County

Resolved Nemine Contradicente that a Message be sent up to the Upper House to acquaint his Honour the Capt General herewith and it is the humble Request of this House that his Honour will be pleased to Cause such condign punishment to be inflicted upon the person or Estate of him the said Sherriff Mr Tilghman as his Lordship the Governour or Upper House of Assembly shall think fit & convenient and that Capt Lloyd and Mr Weeks do Carry up this Message

Signed by order of the Lower House of Assembly

Robert Carvile Clk

Upon Debate whereof this House were of Opinion that the Lower House should first draw up a particular Charge against Dr Tilghman Sherriff of Talbott County and that then they will Summon him before them and do therein according to Justice

The House Adjourned till two of the Clock in the Afternoon

And then all the said Persons again meeting the Lower House sent their Answer to this House Concerning the forementioned Inquisition in these Words U. H. Journal 1659–98

Thursday the 30th March 1671

This House having reassumed the debate upon the Message to them sent by the Upper House touching the Writt of Mandamus & Inquisition by them sent to this House, And upon the Question put Resolved by this House upon the Information of a Member of this House that the Lands in the Inquisition mentioned Called Lewis Neck was really the Estate of Lieutent William Lewis and that he died Seized thereof by Virtue of a Grant and special Warrant from his Lordship for his good Service as appeared to the said Member by the Inquisition and Verdict of the Jury, And that it is the Opinion of this House that the said Lands Called Lewis Neck were after his Death Extended for his Debts and that Lieutenant Lewis died Seized and possessed thereof p. 177

Signed by Order of the Lower House of Assembly
Robert Carvile Clerk

Upon the Petition of Henry Tripp this House dispense with his Attendance

The House Adjourned till to Morrow Morning Nine of the Clock

Friday 31st March 1671

The House mett Present as before

Sent the honourable Sr William Talbott & Col. Calvert with the Draught of two Acts to the Lower House

The One Entituled an Act for raising and providing a Supply for his Lordship the Lord and Proprietary &c.

The other Entituled an Act for the Naturalization of Foreigners

The Lower House by Major Brookes Acquainted this House that they would Consider of them & Prepare an Answer by Tuesday next.

This House received a Charge with three Petitions from the Lower House against Richard Tilghman and thereupon Ordered that Thomas Wynne forthwith require the said Richard Tilghman to attend this House

Whereupon the said Richard Tilghman being Summoned appeared, the Charge and Petitions being read before him He desired a Copy of them

Ordered that Mr Tilghman have a Copy of the Petitions and Charge afd Which follow in these Words Viz.

U. H. Journal 1659-98

To his Excellency the Cap^{t} General and the rest of the honourable the Members of the Upper House of Assembly.....

The humble Petition of the Members of the Lower House of Assembly Sheweth—That Information being put in by Several Persons of Talbot County against Richard Tilghman now Sherriff of the said County of several Crimes Offences & Misdeameanours Committed by him in the Execution of his
p. 178 Office & otherwise & in particular that the said Sherriff had Levyed and Executed from the people of that County more Tobacco than was due for the publick Levy and being told thereof He did notoriously abuse the whole Commission of that Country saying it was the Ignorance of the Comm^{rs} that did not Cast up the Levy aright or Words to that Effect as appeared to Us by the Testimony of Several Delegates and Deputys of that County Who are ready to testify to your Honours when required

Your Petitioners did humbly request your Honours would be pleased to Cause such condign punishment to be inflicted upon the said Richard Tilghman's Person or Estate as your Excellency or Upper House of Assembly shall think fit and Convenient with which Request your Petitioners by two of their Members thought good to acquaint your Honours & in answer thereunto received from your Honours dated 30th March 1671 that the Upper House had taken into their Consideration the paper sent by your Petitioners Concerning M^{r} Richard Tilghman Sherriff of Talbot County and that your Honours are of Opinion that a particular Charge ought first to be drawn up against the said Richard Tilghman and that then he should be summoned before your Honours and proceeded against according to Justice

That your Petitioners thought the mentioning of them in the Resolves sent to your Honours had been a sufficient Charge against the said Sherriff but your Honours not so Conceiving Your Petitioners have hereunto Annexed a particular Charge of the former and other Crimes Offences and Misdeameanours Committed by the said Richard Tilghman contrary to the peace of the Right honourable the Lord Proprietary his rule and Dignity and Contrary to the Laws of this Province All which your Petitioners humbly refer to your Honours' Consideration and Censure & if your Petitioners have herein omitted anything in the matter or form of presenting Impeaching of, or informing against the s^{d} R^{d} Tilghman or such other Delinquents They humbly desire your Honours Direction & Advice therein & to rectify and amend the same that so Crimes of this Nature may not go unpunished

And your Petitioners as in Duty bound shall pray &c.

A Particular Charge of such Crimes Offences & Misdeameanours committed by Richd Tilghman now Sherr. of Talbot County presented & informed to this Lower house of Assembly U. H. Journal 1659–98

1. Levying and Exacting from the People of that County more Tobacco than was due or Assessed by the publick and his Lordship's Commissioners of that County p. 179

2. Contemning his Lordship's said Commission by replying to some persons thereof when demanded the reason of his afd Exaction, that it was the Ignorance of the Commrs who could not Cast the Levy aright

3. Levying of Execution of 26 Barrels of Corn belonging to John Ingram of that County and was the whole Quantity of Indian Corn that the said Ingram had for himself & Family's whole Years Sustenance contrary to an Act of Assembly in that Case made & provided

4. Extorting of Fees from the Inhabitants of that County in relation to his Office contrary to an Act also in that Case made & provided

5. Commencing vexatious Suits against some of the Inhabitants of his County and more especially against John Hinson & Nicholas Brooke as by both their Petitions & other Papers annext may appear

To the honourable Assembly of this Province of Maryland

The Aggrievance of Nicholas Brooke

Sheweth—That your poor Petitioner was one of the Lieutenant General's Soldiers in the time of our late Indians War and was wounded in that War by the Enemy and Mr Richard Tilghman did cure your Petitioner of his Wound received by the Heathen Now Mr Tilghman received his pay by the Governour & Councill's Order for the curing of your Petitioner's Wound Yet notwithstanding Mr Tilghman came to your Petitioner and told him they would allow him nothing for the Cure and that I must pay him myself and so by threatning and by fair deluding Speeches obtained a Bill of 3400lb tobo Now Mr Tilghman sueth your Petitioner at Law for to pay the Bill and your Petitioner would gladly come to a Tryal but cannot, I have been here in tryal one Year & an half and am not able to bear so great Expence being a poor man and Work hard for my Living Which Mr Tilghman well knoweth and therefore his Cause not being good, endeavoureth me to ruin by long Suit, Now my humble Request to You Gentlemen of the Assembly is to put a period to my Cause, Consider the poor and the Lord will give You your several Rewards When Usurpation & Cruelty shall be troden under foot Which is the humble prayers of your poor Petitioner p. 180

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To the honourable the Governour and Great Council of this Province of Maryland in House of Assembly Sitting

The humble Petition of John Hinson of the County of Talbott

Sheweth—That in the last War Your Petitioner by Accident did happen to Shoot one John Tassall in the Thigh by which Accident your Petitioner Entered into Bill to Dr Richard Tilghman, for lb. 3500 tobo or thereabouts for the said Tassall his Cure not knowing that the Country had paid it for him, Now so it is May it please your Honours that going from the house of the said Tilghman, the said Tassall said to your Petitioner that he had been under the hands of the said Tilghman already and that he found he had done him no good and therefore said unto your Petitioner that if I would give him the said Tassall 700lb tobacco and a Cow and Calf he would release me from any further trouble and Seek his Cure himself Which said Cow and Calf and Tobacco your Petitioner did forthwith pay after which payment Your Petitioner demanded his Bond back from the said Tilghman he having done nothing in the Business, which He refused and now Sueth your Petitioner upon the said Bill Altho he never did any thing to the said Tassall after

Now the humble prayer of your Petitioner is that he may be released from the said Bill and that the said Tilghman his Trouble & Cost for his Vexatious and troublesome Suit so unjustly levyed agt your Petitioner should pay and he as in Duty shall ever pray &c.

This House thereupon appointed Tuesday next for hearing of the said Tilghman's Answer to the said Charge and acquainted the Lower House therewith Who said they should be then ready to attend this House

The House Adjourned till two of the Clock in the Afternoon

Then the said Persons appearing

Adjourned this House till nine of the Clock to Morrow Morning

Saturday 1st April 1671

p. 181 The House met again Present as before Except the Rt honble the Governour and Baker Brookes Esqr

And the Governour appearing

This House Adjourned till two of the Clock in the Afternoon

The House met again Present as in the Morning and Adjourned till nine of the Clock on Monday Morning in respect the Lower House were Adjourned till Monday Morning U. H. Journal 1659–98

Monday April 3d 1671

The House met Present the Right honourable the Governour the Chancellour Secretary Thomas Trueman and Edwd Fitzherbert Esqrs and

Adjourned till two of the Clock in the Afternoon

The House met again Present as in the Morning & Col. Calvert

The Lower House sent a paper to this House in these Words Viz.

Monday the 3d day of April 1671
At the Lower House of Assembly

The House having Seriously debated and Considered of the two Bills sent to this House by the Upper House of Assembly the one Entituled an Act for the naturalization of Foreigners The other Entituled an Act for the raising and providing a Supply for his Lordship the Lord and Proprietor towards the defraying of the publick Charges of the Government

And the Question being put whither the said two Bills should pass as they were then penned and presented

Resolved that the said Act for Naturalization of Foreigners do pass with this Amendment that the said Act continue only for two Years and that there be therein a Proviso or new Law made that all Persons born in this Province and Inhabiting the same though born of foreign Parents not Naturalized before their Deaths and Enjoying Lands by descent or otherwise by or from their said Parents and all Lands by such Persons purchased or otherwise lawfully possessed may hold & Enjoy all such their Lands and Tenements according to their respective Rights & Titles therein as freely as if such Persons so inhabiting and born in this Province and their Parents had been naturalized

The other Act being read

Resolved that this House are willing to Assent thereunto with this Amendment Viz. That the Imposition be only twelve pence sterling on every hhd of tobo and that only for two Years now next Ensuing to Commence from the first day of September next p. 182

Resolved by this House that an Act be drawn for the Confirming of all Lands and Estates to any the Inhabitants of this Province by them now possessed or Enjoyed and which they

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by Law or Equity may hold and Enjoy according to the Intent and meaning of the several Estates to them by Will Deed Assignment or other Conveyance made according to the then known Usage of this Province though the same may be defective in point of form according to the forms used in England

Ordered by this House that Capt William Boreman Mr Hatton Mr Adams Mr Clark Capt Perry and Mr Weickes do give & present these Votes and Resolves to the upper House to desire their Concurrence therein and Consent thereunto and that such Law may be made as aforesaid and that they do acquaint his Honour & the Upper House that it is the humble Request of this House to know of their Honours if there be any Person in this Province qualifyed to confirm these Laws

Signed by order of the Lower House of Assembly
Robert Carvile Clk

This House upon reading and Consideration thereof Ordered that an Answer be sent to the Lower House in these Words viz.

The Upper House upon Consideration of the paper sent unto them from the Lower House by Capt William Boreman Mr Hatton Mr Adams Mr Clark Capt Perry and Mr Weehes do order that the said two Acts in their paper mentioned be remanded back to the Lower House for their further Consideration of them and that the honble Sr William Talbott Barrt Col Calvert Mr Trueman & Major Fitzherbert do acquaint them therewith and with the reasons thereof

3d April 1671 John Rousby Clk of the Assembly

The House Adjourned till to Morrow Morning nine of the Clock

Tuesday 4th April 1671

The House met Present as Yesterday & Baker Brookes Esqr

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This House Sent a Messenger to the Lower House to desire their members to appear in this house and make good their Charge against the said Richard Tilghman

Whereupon the Lower House by Major Brooke Capt Perry Capt Jenifer & Mr Weicks acquainted this house that the Lower House were Adjourned and resolved into a Committee to attend this House in order to the prosecution of their Charge against the said Richd Tilghman

The Lower House with their Speaker thereupon attending this House the Petition of the Lower House & Charge against him and the Petitions before recited being read he put in his Answer thereunto in these Words Viz.

The Answer of Richard Tilghman to a certain paper of Articles exhibitted from the Lower House against the said Tilghman to the honourable the Upper House of Assembly as high Sherriff of Talbott County U. H. Journal 1659–98

The first Article wherein the said Tilghman was Charged for Levying and Exacting from the people of that County more Tobacco than was due or Assessed by the publick and his Lordships Comm^rs of that County this Respond^t saith that the List of the publick and County Charge was sent by the Clerk of the County to your Respond^t about the twentieth of November 1670 Signed under his hand Wherein the publick Charge that your Respondent was to pay amounted to 32124^lb tob^o the Sallary whereof is 3212^lb in all 35336^lb. This Tob^o was to be Raised out of 776 Tythables of our County that it was not Cast up p poll as by the List under the Clerks Test may appear That it being late in the Year & your Respond^t sickly he was obliged to Cast it up at what p poll & so Enter it in his Book that so his Undersherriff might go to receive Tob^o Which he did in the presence of M^r Tho^s Hinson one of our Comm^rs & M^r John Keely That at that time it was cast up at 47^lb p poll but suddenly after by your Respond^t alone found to be only 46, & about 346 over Which he did immediately certify to his under Sherriff and accordingly he did receive of the people That your Respond^t after this did hear of some noise that the Courseys had declared to the people that the Levy was 44 p poll That in January Court they were about p. 184 Examining the List and found all the particulars true, the same likewise cast up true but Concluded it to amount to no more p poll than 44 I Entreated them to multiply the Tythables of our County by 44 & if they found the whole Sum of tobacco I was obliged by the List to pay included it was right otherwise not Which they refusing to do I told them in the open Court that is was possible there might be an Error but that it was far from me to wrong the County, That it was well known the Country last Yeare was indebted unto me by mistake 960^lb tob^o If your Respond^t did prove indebted to the County he would Satisfy it in the next Levy for now his Books being made up the Error if any were not being Considerable they could not handsomely be altered

This being declared in open Court by your Respond^t they proceeded no further and none Contradicting they seemed satisfyed, this M^r Woolman & Cap^t Lloyd can testify

To the second Article wherein the said Tilghman was taxed for Contemning his Lordship's Comm^rs by replying to some Persons thereof when demanded the reasons of the af^d Exaction that it was the ignorance of the Comm^rs who could not cast the Levy aright Your Respond^t saith that he never did

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so much as harbour a thought of taxing any of the Commrs with ignorance as some have most maliciously Suggested

To the 3d Article wherein the said Tilghman was taxed for Levying of 26 Barrels of Corn belonging to John Ingram of that County and was the whole Quantity of Indian Corn that the said Ingram had for himself and Familys whole Years Sustenance contrary to an Act of Assembly in that Case made & provided The Respondt saith that the said John Ingram the last Year was gone out of the County and carryed all with him that your Respdt knew of this Corn only excepted Which the Woman whom I found in the house told me was his that he left it there to be sold & had sold five Barrels of the said Corn to Mr Thos Powell, these five Barrels your Respondt let

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Mr Powell have and made Seizure of the rest amounting in all to 26 Barrels for Rent Levys & other debts due by Execution as by my last Years Book will appear that your Respondt let the Corn lye near two Months after this in all which time your Respondt never heard from the said Ingram that then one Mr Richard Cosuch & one Marks near Neighbours were Sworn Appraisers by Mr Thomas Powell did See the Corn measured and appraised and when done the Value in Tobo if any one would deposite Your Respondt told them he would not meddle with the Corn but finding none he yet let the Corn lye about six Weeks before he sent for it to his particular Damage That some considerable time after this the said Ingram came to your Respondt for a Copy of his Debts Which was given him and the County Court following made a Complaint against your Respondt who asking him the reason of it He told before John Pitt he had not done it but that Weicks set him on and told him he should get 3 or 4000lb of tobo of me and all his Corn again or Words to that purpose that if the said Ingram had any Injury he may have his Action at Law

To the fourth Article wherein the said Tilghman was taxed for extorting of Fees from the Inhabitants of the County in relation to his Office contrary to an Act also in that Case made & provided

This Respondt saith that he is ignorant of any Fees extorted from any person contrary to Act of Assembly that if any such are they may have their Action at Law

To the fifth Article wherein the said Tilghman was taxed for commencing Vexatious Suits against some of the Inhabitants of that County and more especially against John Hinson & Nicholas Brooke as by both their Petitions & other papers annext may appear, This Respondt saith that John Hinson having wounded one John Tassell by a shot This Respondt was Employed about the Cure of him for the payment whereof & other debts of his own the said Hinson Entered into Bond to

this Respondt for 3500lb tobo or thereabouts and a considerable time after the Bond was due to the said Hinson entreated this Respondt to put it to two men which with much Importunity of the said Hinson & faithful Promises on his part to perform whatsoever they awarded, This Respondt Consented to Bonds were drawn to abide by it and they awarded your Respondt his debt to be paid in Manner and form according to the Tenour of the Bond which he notwithstanding did not perform Whereupon I was at last Compelled to put my Bond in Suit U. H. Journal 1659–98 p. 186

That Nicholas Brooke did promise before I Entered his name in the publick Account that if the Country did not satisfy me he would, and that after I came home and acquainted him with what the Country had allowed me He freely gave me Bond for payment which is proved by John Chaffe Mary Chaffe & John Smith That for that Consideration I gave him what time he required wherewith then he was Contented that after the Expiration of the time he refusing to satisfy me I put my Bond in Suit, but my proceedings by himself Stopped by a Bill by him Exhibitted in Chancery & an Injunction Granted thereupon

Subscribed Richd Tilghman—

Which being also read This House upon Consideration thereof thought fit at the Desire of the Lower House to deferr the further Consideration of this Business till Monday Come Se'nnight &

Adjourned the House till to Morrow Morning nine of the Clock

Wednesday the 5th April 1671

The House met Present as Yesterday except Majr Fitzherbert

Ordered that Mr Tilghman have a Warrant or Summons to Cause John Darby William Davis John Chaffe Mary Chaffe and Nathaniel Evitt to appear in this House to testify their Knowledge of the said Charge against the said Tilghman

The Lower House sent their Vote to this House about advance of foreign Coin desiring that an Act might be drawn up for that purpose

Upon Information that James Lewis had abused one of the Members of the Lower House This House sent Mr Brookes to acquaint them that if they pleased they might punish the said James Lewis for abusing Mr Vanhacke one of their Members

The Lower House by four of their Members returned their thanks to this House & desired this House to punish the said Lewis & that and that the Lower House have a Copy of the List of Acts now in force and the Book of Laws p. 187

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Whereupon & upon hearing James Lewis Ordered by this House that the said James Lewis go into the Lower House and shall upon his Knees ask the whole House forgiveness and Mr Vanhack in particular and is to pay for a Fine 2000lb tobo to be disposed of as the Lower house shall think fit And that Col. Calvert be desired to acquaint the Lower House therewith and see Satisfaction given as abovesaid

Which being done the Lower House sent two of their Members to acquaint this House that it was their desire that the Fine of the said James Lewis might be remitted

Which this House do remitt accordingly

And because Mr Hemsley a Witness in the Business against Dr Tilghman came the last Night & lives remote from this City was this day examined & upon his Oath saith That Dr Tilghman being informed that the Levy of his County was laid two pounds of Tobo too high The Commrs of said County in County Court Sitting he desired them to consider that his Books were now made up & some Tobaccoes by that Mistake already levyed & that now it was so late he could not gather the Levy this Year if he should Supersede his former Orders to his under Sherriff given about the Levy And then desired he might levy it as it now stood And that he might be Accountable for the Overplus the next Year, to which the said Commrs returned no Answer, neither denying his Request nor granting it

The House Adjourned till to Morrow Morning Nine of the Clock

Tuesday 6th April 1671

The House met Present as Yesterday & Mr Samuel Chew

Adjourned the house till two of the Clock in the Afternoon

The House met again Present as in the Morning

Then read the Act for raising and providing a Support for his Lordship the Lord and Proprietary &ca the first time & passed Nemine Contradicente

The House in Answer to the Message Yesterday received from the Lower House signifying their desire to have a List of the Acts now in force desired Sr William Talbot and Col Calvert to carry unto them the Record of his Lordship's dissassent to several Acts Which are the only Acts disassented unto, And the Book of Laws

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Capt Lloyd Mr Weicks Mr Hambleton Mr Adams Members of the Lower House presented this House with the Draught of an Act Entituled an Act for the prohibiting the importing of

Horses Mares or Geldings or Colts in the Province for this Houses Assent U. H. Journal 1659–98

This House were willing to assent to the said Act with these Amendments Viz.

First That no Horse Gelding or Mare be prohibitted Provided they be fifteen hands high or upwards

Secondly That no Person of our Neighbour Colonys removing themselves and Familys with an Intention to Settle & reside in this Province be prohibitted to import all their Stock with them

And this House desired S^r^ William Talbott & Col Calvert to acquaint the Lower House therewith and with this following Order viz.

April the 6^th^ 1671

This House having received from the Lower House the Act for the raising and providing a Supply for his Lordship the Lord & Proprietary of this Province towards the defraying the publick Charges of the Government Endorsed on the backside with a Vote of twelve pence ꝑ hhd and that for three Years only or to the End of the next General Assembly Which shall first come & well weighing the Necessitys of the Province and the Charges of Government and finding the Vote far short of what is absolutely necessary for Supporting the Government without which every particular Estate will perish in the General Confusion do order the new Act Entituled an Act for the raising and providing a Support for his Lordship the Lord and Proprietary of this Province during his Natural Life and likewise a Supply towards the defraying the publick Charges of this Province being a new Act both for Matter & Form be sent down to the Lower House for their Assent And do desire them not to be wanting to themselves Who are the Persons that are to reap the greatest part of the Advantage of the Peace & Security that from the Concurrence of this Act will arise to the Province

John Rousby Clk of the Assembly

And with the Act for raising and providing a Supply for his Lordship the Lord and Proprietary with these Words thereupon Endorsed

6^th^ April 1671

At the Lower House of Assembly

This House having seriously Considered of this Bill have Voted twelve pence ꝑ hhd be given as a Supply for his Lordship and that only to Continue for three Years or to the End of the next General Assembly which shall first happen p. 189

Signed by order of the Lower House of Assembly

Robt Carvile Clk

U. H. Journal 1659–98 The House Adjourned till to Morrow Morning nine of the Clock

Friday the 7th April 1671

The House met Present as Yesterday except the Chancellour

The House desired Sr William Talbott & Col Calvert to carry some certain Amendments to the Lower House to be added to one certain Act Entituled an Act for the raising & providing a Support for his Lordship the Lord and Proprietary &ca in these Words Viz.

The Upper House have thought fit to Send these Amendments to be added to one certain Act Entituled an Act for the raising & providing a Support for the Lord Proprietary & Supply towards the publick Charges of Government Sent by them to the Lower House Yesterday

1st That his Lordships Receivers shall not refuse to accept of his Lordships Rents in Tobo at two pence p p.d when tendered by the Planter

2dly That the Muster Master Generall's Fee of 4d p poll be taken of

3dly That a certain Clause in an Act Entituled an Act Concerning the levying War within this Province whereby It is provided that in Case of War the Publick Charges of this Province shall by an equal Assessment be levyed upon the Persons & Estates of the Inhabitants of this Province shall be suspended & that no such Levy shall be laid without the Consent of the Freemen & Inhabits of this Province first had & obtained in a General Assembly The aforesd Act to all other Intents & purposes (this Clause only excepted) to stand good

And then the honourable the Chancellour appearing

Adjourned the House till two of the Clock in the Afternoon

The House met again Present as in the Morning

Desired the honble Sr William Talbott & Col Calvert to
p. 190 acquaint the Lower House that in regard the last paper sent from this house to the Lower House may not so clearly express the Intentions of this House in that Clause relating to the Muster Master General's Fee We have thought fit to declare that the Intentions of this house is that in case the Act for the Support of the Government during the Life of the now Lord and Proprietary &ca do pass for two Shillings p hhd That then the Act for the Muster Master Generall's Fee shall for ever stand repealed & not otherwise

John Rousby Clk of the Assembly

Upon petition to this house made by Ignatius Causin to be naturalized of this Province Upon debate of the Matter It

appeared that the said Ignatius was the Son of Nicholas Causin a Subject of the Crown of France born at the House of his said Father in St Georges River in this Province of an English Mother that the Lands Claimed by the said Nicholas were only Surveyed in the life time of the said Nicholas And since his Death Pattented by the said Ignatius Whereupon This house do declare that the said Ignatius is by his Lordships Charter a free Denizen of the Kingdom of England And by Consequence as to his Person needs no Naturalization being born here And as to the Lands said to descend from the Father this House do further declare that the Certificate of Survey was only a Chattel real of which his Mother an English Woman was seized & made over to him the said Ignatius in right of which he obtained an Original Grant from the Proprietary & so holds nothing by descent from the Proprietary his Father but is to all Intents & purposes One of the Natural born people of this Province and hath as much Security for his Lands as any other Person in this Province now hath or the Rt honble the Lord Propry can Grant

U. H. Journal 1659–98

John Rousby Clk of the Assembly

The Lower House Sent their Votes to this House in these Words viz.

Friday 7th April 1671

At the Lower House of Assembly

p. 191

This House having taken into their Serious Consideration the Act Entituled an Act for the raising & providing a Support for his Ldship the Lord & Proprietary of this Province during his natural life And likewise a Supply towards the defraying the publick Charges of this Province with the Amendments thereunto Sent from his Excellency the Capt General and Upper house of Assembly this day to this house by the honble Sr William Talbott & Col Calvert It was upon long debate thereof Resolved that the said Act do pass with those Amendments And also with this Amendment that the said Act continue only for three Years or to the End of the next General Assembly And Ordered that Capt Lloyd Capt Burgess & Mr Woolman Capt Howell Mr Materton & Mr Causine do carry up & present to his Honour & the Upper House the sd Vote and Resolve of this House And that they do return the humble and hearty Thanks of this House for their Honour's gracious Condescension in the paper to this House this Morning sent and mentioned And likewise that they do humbly request their Honours to Send unto this House an Answer to the paper to the Upper House by this House Sent on Monday last by six Members of this House touching the Settling of Conveyances

U. H. Journal 1659–98

of Land held upon Measne & slender Assignm^ts & other Conveyances the Estates of Persons born in this Province whose Fathers were not Naturalized & whither there be any Person so qualified in this Province to Confirm our Laws

Signed by order of the Lower House of Assembly
Rob^t Carvile Clk

The said Act for raising & providing a Support &c^a. being again Sent down to the Lower House the same day in the Afternoon upon Consideration had of the paper sent to this house from the Upper House by S^r William Talbott & Col. Calvert Resolved upon the Question put that the said Act shall pass with the last Amendment also And that the said Act continue during his Lordship's Life and for one Crop after as in the s^d Act is mentioned

Rob^t Carvile Clk.

p. 192

Which being brought up to this House by the said Members they were asked the Question Whither this House should order the Ingrossment of the said Act for raising and providing a Support &c^a. Cap^t Lloyd acquainted this House that It was the desire of the Lower House that this Act be Engrossed

This House desired some Members of the Lower House might be appointed to meet some Members of this House as a Committee to Morrow Morning to consider of & prepare an Act for quietting possessions And Acquainted the Lower House therewith by M^r Chew

Then brought into this House by the hands of Cap^t Burgess a Bill Entituled an Act against Divulgers of false News, Read the first time & Adjourned the House till to Morrow Morning nine of the Clock

Saturday the 8^th of April 1671

The House met Present as Yesterday

The Remonstrance of Augustin Harman against Runaways was read &c. And Ordered that it be sent to the Lower House for their Speedy Consideration thereof in regard that the Prison^rs therein mentioned were in danger to escape and that M^r Chew carry the Same

Then again read the Act against Divulgers of false News and past with this Amendment viz. And further if any such idle or buisy headed Person shall forge or maliciously publish or invent any false Reports or Tales of any his Lordship's Justices of the Provincial Court or of any County Court within this Province shall by the Justices of Peace to whom such Complaint be made be bound over to the next Provincial Court

there to be Fined or to receive such Corporal Punishment (not Extending to Life or Member) as to the Justices of that Court shall Seem meet, This Act &c^{a} three times and passed U. H. Journal 1659–98

Then also read the Act prohibitting the Importation of all Horses &c^{a} Geldings Mares or Colts into this Province three times & past

Ordered by this House that the honble the Chancellour the honble S^{r} W^{m} Talbott Barr^{t} Secretary Col Calvert & M^{r} Chew be a Committee appointed to join with the Comm^{rs} of the Lower house at two of the Clock this Afternoon in the Chambers where the Committees do usually meet. p. 193

Friday 7th April 1671

Ordered by the Lower House that Cap^{t} Burgess M^{r} Woolman M^{r} Franklyn M^{r} Waterton Cap^{t} Lloyd Cap^{t} Howell Major Thomas Brookes & Cap^{t} Boreman be a Committee of this House to join with a Committee of the Upper House appointed to meet to Morrow Morning

Signed by order of the Lower House of Assembly
Robert Carvile Clk—

Col Calvert was desired to acquaint the Lower House that the Upper House having Considered the Inquisition indented returned upon the Writt of Mandamus to Enquire of what Lands were held by Lieuten^{t} William Lewis at the time of his Death And do judge it proper for the Consideration of the Committee of both Houses Which is to meet this Afternoon And do give the Lower House to Understand that they will Send it to that Committee accordingly And

Adjourned the House till two of the Clock in the Afternoon

The House met again Present as in the Morning &

Adjourned the House till Monday Morning Nine of the Clock

Monday 10th April 1671

Then the honourable the Chancellour S^{r} W^{m} Talbott Col Calvert & M^{r} Chew appearing The House present M^{r} Chew to acquaint the Lower House that this House were ready to attend the Committee of both Houses and

Adjourned the House till two of the Clock in the Afternoon in respect the Major part of this House were to Attend the said Committee

And then the said honourable Persons M^{r} Chew & the right honble the Governour appearing

U. H. Journal 1659–98 Adjourned the House till nine of the Clock to Morrow Morning in respect a Provincial Court was this day appointed for tryal of diverse Malefactors

Tuesday the 11th April 1671

The House met Present the Rt honble the Governour
The Honble the Chancellour. The honble Sr Wm Talbott Col Calvert Baker Brookes Samuel Chew Esqr & Thomas Trueman Esqr

p. 194 This House desired Sr William Talbott & Col Calvert to Acquaint the Lower House that this House desired them according to their Promise to send up two of their Members to Examine the Ingrossment of the Act for support of Governmt &c.

Whereupon the Lower House Sent Capt Jenifer & Mr Weicks to Examine the said Act

The said two Members of the Lower house upon Examination of the said Act for a Support &c. declared that the same was drawn & Engrossed according to the Votes of the Lower House & thereupon the said Act for raising and providing a Support &ca being put to the Question in this house

Resolved that the said Act do pass Nemine Contradicente And then this House Sent the said Act by Sr Wm Talbott & Col Calvert to the Lower House for their Assent to the same and Sent the Act against Divulgers of false News with this Endorsement viz. The Lower House are willing this Act do pass with that Amendmt Provided that no Punishment be inflicted for any Words spoken against any of his Lordships Justices of the Provincial Court but in the Provincial Court & against the Justices of any the County Courts but in the proper County Court

11th April 1671

Robt Carvile Cl Lower Ho.

Which being read in this house & the Question put Voted to pass

The Lower House Sent to this House one Act Entituled an Act for the Providing a Standard with English Weights & Measures in each County Another Act Entituled An Explanation of two Clauses in an Act Entituled Act for the Clerk's Fees & allowance for Jurors in civil Causes with an Addition of a Fee to the Seal of each respective County

Which being read Voted to pass

Another Act against Hogstealers.

p. 195 Major Fitzherbert appearing Then read the Act for Enrollment of Conveyances &c. to desire that the Word or County

Court might be inserted in the said Act, next after the Words Clerk of the Provinl Court. And upon the Question put. Resolved that the Words (or County Court) be inserted in the said Act U. H. Journal 1659–98

And also the Words if any Fine for Alienation of the said Lands be due and by the Original Grant reserved next the Words præcepi or præcepimus

And upon the Question put

Resolved that the said Words be also inserted in the said Act

Sent the Act Impowering the Commrs of the County Courts to levy and raise Tobo towards the defraying the necessary Charges of Countys Which being read this House Voted that the same should pass with this Amendment Viz.

Provided always that the Accounts of the said County Charge be kept upon Record fair written in a Book by themselves signed by the Clerk of the said County Court And that upon the Compl: of any Person that the said Charges are not allowable or that he is over Charged or otherwise Aggrieved the said Accounts shall be Examined & rectifyed by the Provincial Court of this Province

This House desired Mr Trueman & Mr Chew to acquaint the Lower House therewith and to Carry the Act for punishing fraudulent Practices &c. for their Assent

This House desired Sr William Talbott & Mr Chew to carry the Act for quietting Possessions to the Lower House for their Clerk's hand to the Engrossment

Then the Lower House sent the Act passed by their house for making void & punishing fraudulent practices &c.

The House Adjourned till two of the Clock in the Afternoon

The House met again Present as in the Morning

11th April 1671

At the Lower House of Assembly upon Harman's Remonstrance

This House having perused this Remonstrance & demanded an Account of Augustine Harman for the 10000th tobo raised by Act and what tobo he hath received of & for Prisoners & he having sent the same as inclosed This House not being therewith Satisfyed have thrown the same out of the house as not Conceiving the Remonstrance or the Proposals therein necessary or reasonable They judging his Prison a Charge to the Country p. 196

Robt Carvile Clk—.

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The Lower House having brought Several Accounts to this House which they having allowed this House Voted their pay to Wit the Account of George Beckwith Richard Smith Capt Thos Howell Richard Keen for Gabrile George Mr Thos Trueman

The Lower House again Sent the Act for Hogstealers for this Houses Assent & upon the question put

Resolved that the sd Act pass nemine Contradicente Then the Bill Entituled an Act that no Appeal shall be Granted from any County Court nor any Suit removed in the Provincial Court under 1500lb tobo was read And upon the Question put

Resolved by the Major part of this House that the sd Act do not pass this House

Then read the Act for the Encouraging the Importation of Negros and Slaves into this Province And upon the Question put

Resolved that the same do pass nemine Contradicente & sent Mr Chew with the same to the Lower House for their Assent

The Lower House brought up a Bill to this House Entituled an Act for Coroners Fees, Which being read & the Question put

Resolved that the same do pass Nemine Contradicente.

Then the Lower House Sent the Act Entituled an Act impowering the Commrs of the County Courts to levy &c. with the Lower Houses Assent therewith to this House

And the House Adjourned till nine of the Clock to Morrow Morn.

Thursday the 13th April 1671

The House met Present as Yesterday with the Rt honble the Governr

Then read an Explanation of two Clauses in an Act Entituled an Act for the Clerk's Fees & Allowance for Jurors &ca & Voted to pass

An Act for reviving of certain Laws within this Province, Read & Voted to pass

Then read an Act for the founding & Erecting of a School
p. 197 or College within this Province for the Education of Youth in Learning & Virtue

Then also read an Act for Licensing of Taverns &ca Both which were Sent to the Lower House for their Assent by Mr Trueman

Then read an Act for providing Standards &ca & passed

The House Adjourned till two of the Clock in the Afternoon

The House met again Present as in the Morning— Except S^r William Talbott U. H. Journal 1659-98

Then the Act for reviving of certain Laws twice read & passed

The Lower House Sent a Bill to this House Entituled an Act for Stay of Executions after April Court Assented to by the Lower House. Which being read in this House And upon the question put Voted to pass

The Lower House by Cap^t Lloyd Major Brookes Cap^t Howell & M^r Hamilton acquainted this House that the Lower House were willing & had ordered the Chancellour should have 700^lb tob.^o of each County for drawing the Charges for the Comm^rs of the County Courts

The House Adjourned till nine of the Clock to Morrow Morn.

Friday 14^th April 1671

The House met Present The honourable the Chancellour Baker Brookes Thomas Trueman Samuel Chew & Maj^r Fitzherbert

Adjourned this house till nine of the Clock to Morrow Morning in regard this House were to sitt this Afternoon as a Provincial Court for tryal of another Malefactor

Saturday 15^th April 1671

The House met Present as Yesterday except Major Fitzherbert

Ordered that M^r Baker Brookes M^r Trueman & M^r Chew or any two of them do Attend a Committee of the Lower House to meet for Settling publick Accounts

Then the R^t honble the Governour & S^r William Talbott appearing The Lower House Sent to this House the following paper viz

Saturday the 15^th day. At the Lower Assembly House This House having taken into Consideration the Act Sent by the Upper House for founding & Erecting a School or College &c^a.

And the Question being thereupon put Resolved that this House is willing to Assent to this Act with these Amendments Viz. That the place where the said College shall be Erected p. 198 shall be appointed by the Assembly most convenient for the Country

2. That the Tutors or School Masters of the said School or College may be qualifyed according to the reformed Church of

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England or that there may be two School Masters, the One for the Catholick and the Other for the Protestants Children and that the Protest[ts] may have Liberty to Choose their School Master

3. That a time be appointed when the Work shall begin & be set on Foot

4. That the Lord Proprietor be pleased to Set out his Declaration of what Privileges and Immunitys shall be Enjoyed by the Schollars that shall be brought up or taught at such School or College, and Ordered that Cap[t] Lloyd M[r] Vanhacke M[r] Charles Brookes & M[r] Causine do carry up this Resolve to the Upper House

Signed by order of the Lower House
Robert Carvile Clk

Then read an Act for Naturalization of Bernard Johnson and others and passed. An Act Concerning Coopers read and passed An Act for the Advancement of foreign Coins read And this House declared they were willing to pass it with these Amendm[ts] viz. Exept Peruleros and Copper pieces or base Mony & Rix in the 16[th] line instead of Curr[t] Mony, in the 19[th] line say, Mony licenced to be Exported out of the Kingdom of England or publickly in the 32[d] line.

Provided always that the two Shillings p hh[d] given to the R[t] honourable the Lord Proprietary this Assembly for Support of the Government shall always be paid in English Mony Sterling or the full intrinsick Value thereof in the Coins aforesaid any thing in this Act or any other thing or Act to the Contrary hereof notwithstanding. And desired S[r] William Talbott and Col[l] Calvert to acquaint the Lower House therewith

The House Adjourned till two of the Clock in the Afternoon

The House met again Present as in the Morning

The Lower House by M[r] Clark & M[r] Vanhack sent to this House these Acts Viz. The said Act for the Advancem[t] of foreign Coins with Amendments, And upon the Question put Resolved that the same do pass Nemine Contradicente

p. 199 An Act for the Encouragement of the Sowing and making Hemp and Flax Which being read & the Question thereupon put

Resolved that the same do pass Nemine Contradicente

An Act against Runaways &c[a]. Which being read & the question put Resolved that the same do pass with these Amendments Viz. Runnaways (shall be) so Seized line the 4[th] shall bring or Cause (them) line 5 Secure instead of pro-

ceed against line 9th And desired Sr William Talbott & Mr Fitzherbert to acquaint the Lower House therewith U. H. Journal 1659-98

Then the Lower House by Mr Franklyn & Mr Causin acquainted this House that their House had Assented to the sd Act with the said Amendments

The House Adjourned till Monday Morning nine of the Clock

Monday 17th April 1671

The House met Present as Yesterday Except the Governour

The Lower House by Capt Perry & Mr Franklyn desired they might have the Acts assented to by both Houses to the End they might be there read the third time

Ordered that the said Acts be sent down to the Lower House

An Act for raising and providing a support for his Lordship &c

An Act for Enrollment of Conveyances &c.

An Act against Hogstealers

An Act against Divulgers of false News

An Act for the making void & punishing all fraudulent Practices &ca

An Act Impowering the Commrs of the County Courts to levy &ca

An Act for Encouraging the Importation of Negroes &ca

An Act prohibiting the importing Horses &ca

An Explanation of two Clauses in an Act for Clerks Fees &ca

An Act for the Providing a Standard

An Act for reviving of certain Laws

An Act for Stay of Executions &ca

An Act for Coroners Fees

An Act for the Advance of foreign Coins

An Act against Runaways &ca

An Act for the Encouraging of Sowing & making Hemp & Flax and that Col Calvert carry them to the Lower House to be read as they desired

This day being appointed for the further hearing of the Charge against Doctor Tilghman Ordered that the sd Tilghman bring in such Witnesses as he has brought down & are ready to be Examined by this House touching the Charge already Exhibitted agt him And that the Lower House have notice thereof And Examine their Witnesses if any they have so as Publication may duly pass And this House proceed to a final Determination of the several Articles in the said Charge Specifyed p. 200

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This House desired Major Fitzherbert to Acquaint the Lower house therewith Thereupon the Lower house by Capt Jenifer & Mr Woolman desired a Copy of their Charge agt Dr Tilghman

Ordered that a Copy be made thereof & sent to the Lower house Which being made Major Fitzherbert was desired to carry it to the Lower House

John Darby a Witness produced Sworn & Examined touching the Charge against Doctor Tilghman upon his Oath saith that last January Court there being some difference about the publick Levy

Mr Tilghman ordered the Depont to receive of those people (that were willing to pay) 46lb tobo p poll And of those that were not willing to pay 46lb tobo p poll to take 44lb And this Depont saith that those that were not willing he never forced to pay the said 46lb tobo p poll This Depont was present in the County Court of the said County of Talbott in January aforesd when there was some Discourse about the publick Levy that It was laid too high Whereupon Mr Tilghman told the Court that if there was any mistake in his Casting up the Levy too high that he would answer the Overplus to the Country in regard It was too late for them to alter and him to receive the Levy that Year with Which the whole Court seemed Satisfyed The Depont going with Mr Tilghman to the house of John Jngram or where he had formerly lived to receive Rents and Levys & other Debts upon Executions The said Mr Tilghman demanded my Rent & Levys A Woman then in the said House told the said Mr Tilghman in the hearing of this Depont that he the said John Ingram had no Tobo there only some Indian Grain part whereof She said the said Ingram had Sold Whereupon the Depont saith The said Mr Tilghman did seize about 26 Barrels of Indian Corn for the sd Rent Levys & Executions
p. 201 And afterwards this Deponent saith that the said Mr Tilghman six Weeks after the sd Seizure offered the said Corn to the sd Ingram in Case he would pay the Value thereof in Tobo according to Appraisment As the sd Ingram told this Depont And that he the said Ingram was Advised to the Contrary and to follow the Law agt the sd Tilghman

Sworn before the house John Darby

The Affidavits of John Chaff & Mary Chaff Attested by Mr Thomas South one of the Commrs of Talbot County &ca touching Doctor Tilghman Which by reason of their Inability to travell Ordered that the same be allowed De bene Esse at the hearing

Upon the Petition of Francis Swinfen for the reasons therein set forth Ordered that the Word South be inserted in the

Certificate of Survey therein mentioned instead of the Word North U. H. Journal 1659–98

The House Adjourned till two of the Clock in the Afternoon

The House met again Present as in the Morning
The Governour & Major Fitzherbert—

The Lower House by Capt Lloyd Capt Jenifer Mr Clark & Mr Weicks desired this House that upon their Charge Exhibitted against Mr Tilghman He might be put out of his Office and that they might then have the Act for Ordinarys

Whereupon this House desired Col Calvert to carry the sd Act to the Lower House for their further Consideration

And also to know whither It was the desire of the whole House that their Charge agt the sd Mr Tilghman should not be prosecuted And that he should be removed from his Office

John Hinson & Nicholas Brooke Sworn & Examined at the Instance of the Lower house to prove their Charge agt Mr Tilghman

The said John Hinson to the first Article of the said Charge saith that Mr Tilghman's Under Sherriff received 44lb of tobo p poll of the Depont for his Levy and more saith not

To the Second & third Articles of the said Charge this Depont cannot depose.

To the fourth this Depont cannot depose

To the fifth Charge this Depont cannot depose

The said Nicholas Brooke to the first Article saith he cannot depose

To the Second & third Articles of the said Charge the Depont cannot depose—

To the fourth this Depont cannot depose p. 202

To the fifth this Depont cannot depose

John Hinson
Both Sworn before the house Nich Brookes

This House upon reading the Act for Settling the rates & prices of Wines &ca in Mony thought fit that these Amendments be inserted Viz.

Jurors . . . . . } For all Ordinarys that Entertain County
Witnesses, Persons } Courts & in Corporations Creditt
that have Business } s., For two meals of meat p diem one
at the Office or Court } pottle of Strong Beer p diem & sufficient Lodging at Night & no more for which Execution & no more—

2. Made of Malt of the Growth of this Province & Brewed within this Province 2s p gallon Beer made of foreign malt and brewed in foreign parts one Shilling & Sixpence p Gall.

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3. Provided also that all Ordinary Keepers where any County Courts are kept and Ordinary Keepers in any the Corporations within this Province shall have Executions for such Debts as are by this Act allowed to Daniel Jenifer or any other Ordinary Keeper in the City of St Marys as well as upon the

4. Limitted as afd

5. Provided always that no Ordinary Keeper within this Province shall at any time charge anything to Account for Bowles of Punch or any other Quantity of mixed Drink but shall only sell the several Ingredients to the said Mixture according to the Rates before in this Act ascertained and allowed upon pain of 500lb tobo for each Offence Committed over and above the full Value of the punch or other mixt Liquors so Charged to Account

Sent Mr Chew to acquaint the Lower House therewith

Adjourned the House till nine of the Clock to Morrow Morning

Tuesday 18th April 1671

The House mett Present The honourable the Chancellour Col Calvert Mr Brookes & Mr Chew—

The Lower House by Mr Weicks & Mr Hamilton sent to this House

The Act for Ordinarys &ca. Which being read, This House desired that Lyme at 5sh p gall. Nutmeggs at 2d apiece Vinegar at 2s 6d p Gallon be inserted into this Bill

p. 203 And desired Col Calvert & Mr Chew to acquaint the Lower House therewith

Then the Lower House Sent the said Act Assented to by their House

The House Adjourned till two of the Clock in the Afternoon

The House met again Present as in the Morning
The Governour and Secretary

Then read the Act for settling the Rates & Prices of Wines &c. and upon the Question put Resolved that the said Act do pass

This House desired Col Calvert to acquaint the Lower House therewith & to know whither they had any other Witnesses to Examine against Mr Tilghman or whither they would prosecute their Charge Exhibited against him

Upon the Petition of Robert Carvile Clk of the Lower House of Assembly for ascertaining his fees Ordered that the Clerk of the Lower House have 200lb of tobo for every Naturalization & the Door Keeper of the said House 50lb of

tob^{o} for each Naturalization and that the said Clerk have for every Petition Exhibited or brought to their House the Sum of 1^{sh} & for all Copys of private Business 1^{sh} p sheet at the rate of 15 lines to the Sheet U. H. Journal 1659–98

Ordered that the Clerk of this House have & receive for each Petition exhibited or to be Exhibited into this House the Sum of 2^{s} 6^{d} & for a Copy of any private Business brought or to be brought into this house the s^{d} twelve pence p sheet at the rate of 15 lines to the Sheet

The Lower House by M^{r} Hamilton & Cap^{t} Burgess sent this following Resolve to this house Viz.

18th April 1671

At the Lower House of Assembly

This House in order to the Charge ag^{t} Rich^{d} Tilghman do humbly Conceive that the said Charge sent to the Upper House by the Lower House was Sufficiently proved as to the two first Articles that day this House waited upon the Upper House by the said Richard Tilghman's Confession & Acknowledgm^{t} And as to the rest of the Articles in the said Charge this House did send up such Witnesses as they had to produce to make good the same Viz. John Hinson & Nicholas Brooke whose Petitions were Annexed to the said Charge & therefore that this House left the whole Matter to the Consideration & Judgment of the Upper House & so have resolved that they do not intend & think it not necessary to proceed any further therein p. 204

Signed by order of the Lower house of Assembly
Rob^{t} Carvile Clk.

Whereupon & upon reading of the Proofs taken in this Business

Ordered that the s^{d} R^{d} Tilghman be dismissed without day

Burgess & al. con Hooper. } Rob^{t} Carvile the Attorney of the said M^{r} Burgess &c. exhibited certain Errors to this House—

Ordered by this House that no Advantage shall be taken of the day of Retorn of the Writt of Error by which the Writt became Vicious by the delay of meeting of the Assembly And that Copys of the Errors be Executed to either Party that a Scire facias issue to Hooper to hear the said Errors in this house retornable the first day of the next Session of this Assembly And that in the mean time Execution upon the Judgment afores^{d} be superseded

This House desires S^{r} W^{m} Talbott & Col. Calvert to acquaint the Lower House that the Governour was ready to pass the Acts & to Compleat the Session

U. H. Journal 1659–98 And Adjourned the House till to Morrow Morning nine of the Clock

Wednesday 19th April 1671

The House met Present as yesterday in the Afternoon except The Chancellour

The Lower House by several of their Members acquainted the Governour & this House that they had dispatched what Business was before them & desired his Honour that they might be dismissed

Whereupon his Honour told them that he stayd here for that purpose.

The Lower House Sent up an Act for payment of publick Debts Which being read & the Question put

Resolved that the same do pass.

This House desired S[r] W[m] Talbot to acquaint the Lower House that the Governour was ready to prorogue this Assembly & to desire them to bring up the Laws Enacted by this Assembly

Then the Lower House with their Speaker came into this house with all the Laws made this Assembly.

p. 205 The Titles whereof being read in the presence of both houses

The Governour Prorogued this Assembly till the Second Tuesday in October next.

Liber W H & L p. 48

Acts made att a Generall Assembly begun and held att S[t] Maries in the Prouince of Maryland the twenty Seventh day of March in the Nyne and thirtieth yeare of the Dominion of Cæcilius &[ca] Annoq Domini 1671.

The Hon[ble] Charles Calvert Esq. Gouernour—

To the Right Honb[le] the Lord Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore—

The humble petic̄on of Bernard Iohnson of Calvert County in the said Province of Maryland Cooper William Nenfinger of Saint Maries County Iohn Gotee and Margarett his wife of Dorchester County and Stephen Beson of the Same County all Inhabitants of this Prouince

Humbly Shew vnto your Lordship that your Petic̄oners Barnard Iohnson and William Nengfinger were borne in holland and vnder the Dominion of the States Generall of the vnited Provinces John Gottee and Margarett his wife and Stephen Besson in the Kingdom of ffrance And your Petic̄oners being

now Removed into this Province for long time therein In- Liber W H & L
habitted being Invited to Come and dwell within this Prouince by and upon Confidence of your Lordships Declaracōn of the second of Iuly one thousand six hundred forty Nyne whereby your Lordship did impower Your Lordships Gouernour of this Province from time to time to grant lands to any persons of Dutch french or any other forreign discent in the same in as ample manner and vpon the same tearmes and Provisoes as he was thereby Impowred to grant lands to any person or persons of Brittish or Irish discent and dureing their abode within this Prouince Your Peticōners have been alwayes faithfull and obedient vnto your Lordships Lawes Yett further your Peticōners are not of Brittish or Irish discent they cannott take Benefitt of the Lawes and Customes of this Province as other the good people of this Province of Brittish or Irish discent may to their great losse prejudice and hinderance as alsoe to the Deterring of divers others of the forreigne Nations aforesaid from Coming into this Prouince and by Consequence foreslowing the peopling of this Prouince with vsefull Artificers and handicrafts men may itt therefore please your Lordship of your abundant goodnesse and wonted care of and over this Province That itt may be Enacted and ordeined. And Bee itt Enacted and ordained by the Right Hon^ble^ the Lord Proprietary of this Province by and with the advice and Consent of the Upper and lower houses of this present Generall Assembly and the Authority of the same That your Lordships humble Peticōners Barnard Iohnson William Nengfinger Iohn Gottee and Margarett his wife and Stephen Besson and every of them p. 49
Shall and may from henceforth by the same Authority be Enabled and adjudged to all intents and purposes able to demand Challenge aske haue hold and Enjoy any lands Tenements Hereditaments and Rents within this Prouince as heir or heires to any of their Ancestors by Reason of any descent in fee simple feetayle Generall or Speciall or Remainder vpon any Estate tayle or come to them or any of them by any discent in fee simple or feetayle Generall or speciall or Remainder upon any Estate tayle as aforesaid or by any other Lawfull Conveyance or Conveyances or measnes whatsoever as if they and every of them had been borne within this Province or were of Brittish or Irish discent as aforesaid And alsoe that they and every of them from henceforth may and shall be Enabled to prosecute maintaine and avow Iustifie and defend all manner of accōns Suites plaints and other demands whatsoever as liberally frankly freely fully Lawfully and Securely as if they and every of them had been Natureally borne within this Prouince of Maryland or were of Brittish or Irish discent and as any other person or persons Natureally borne within this Pro-

Liber W H & L

uince or of Brittish or Irish discent may any wayes Lawfully doe Any law provisoes Act or Custome of this Prouince or other thing whatsoever had made ordeined or done within this Province to the Contrary thereof in any wayes Notwithstanding.

An Act for the Encourageing the Importacōn of Negros and Slaues into this Province

Whereas Severall of the good people of this Prouince haue been discouraged to import into or purchase within this Prouince any Negroes or other Slaues and such as haue Imported or purchased any such Negroes or Slaues haue to the great displeasure of Almighty God and the prejudice of the Soules of those poore people Neglected to instruct them in the Christian faith or to Endure or permitt them to Receive the holy Sacrament of Babtisme for the Remission of their Sinns upon a mistake and vngrounded apprehension that by becomeing Christians they and the Issues of their bodies are actually manumited and made free and discharged from their Servitude and bondage be itt declared and Enacted by his Lordship the Lord and Proprietary of this Prouince by and with the advice and consent of the upper and lower houses of this present Generall Assembly and by the Authority of the same That where any Negro or Negroes Slave or Slaues being in Servitude or bondage is are or shall become Christian or Christians and hath or have Received or shall att any time Receive the Holy Sacrament of Babtizme before or after his her or their Importacōn into this Prouince the same is not nor shall or ought the same be denyed adjudged Construed or taken to be or to amount vnto a manumicōn or freeing Inlarging or discharging any such Negroe or Negroes Slaue or Slaues or any his or their Issue or Issues from his her their or any of their Servitude or Servitudes Bondage or bondages Butt that Notwithstanding any such Act or thing Acts or things And Notwithstanding
p. 50 any such becoming Christian or Christians or Receiveing the Sacrament of Babtizme Every such Negroe and Negroes slaue and slaues and all and every the Issue and Issues of every such Negroe and Negroes Slaue and Slaues Is are and be and shall att all tymes hereafter be adjudged Reputed deemed and taken to be and Remayne in Servitude and Bondage and subject to the same Servitude and Bondage to all intents and purposes as if hee shee they every or any of them was or were in and Subject vnto before such his her or their Becomeing Christian or Christians or Receiveing of the Sacrament of Baptizme any opinion or other matter or thing to the Contrary in any wise Notwithstanding.

An Act Impowring the Commissioners of the County Courts to Levy and rayse Tobacco towards the defraying the Necessary Charges of their Counties

Liber W H & L

Forasmuch as in the Intervalls of Assemblyes in this Prouince there haue been Severall Necessary Charges laid out and Expended in the Severall and Respectiue Counties of this Province by the severall and Respective Comissioners of the said Counties and others for the good and welfare and Conservacōn of the peace of and within the said Counties and which ought to be borne by the Severall and Respectiue Counties distinctly and haue been formerly vsed and accustomed to be Reimbursed defraid payd and Satisfyed by and out of the County Leavy Leavyed and assessed by the Comissioners of the said Respective Countyes by an Equall Assessment vpon the persons and Estates of the Inhabitants of the said Severall and Respectiue Counties But the said Comissioners of the said County Courts not haueing Sufficient warrant or Authority to rayse such Leauy The freemen of this Prouince in this present Generall Assembly Doe humbly pray that it may be Enacted And Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary of this Prouince by and with the aduice and Consent of the upper and lower houses of this present Generall Assembly And the authority of the same That for the future itt shall and may be Lawfull to and for the Respective Comissioners of the severall and Respective County Courts within this Province att their Severall and Respective Courts to be held for the said Countyes vpon Examinacōn had before them of the Publick Charges of their said Severall and Respective Counties and allowance by them made of the same to Leavy and Rayse Tobaccoes for payment and satisfaccōn of the said severall and Respective County Charges and the Sherriffes Sallary for Collecting thereof by an Equall Assessment of the goods and Chattles of the freemen and Inhabitants of the said Severall Countyes any act Lawe Custome or vsage heretofore had and made to the Contrary hereof in any wise Notwithstanding Provided alwayes that the accompts of the said County Charge be kept vpon Record p. 51 faire written in a booke by themselues signed by the Clarke of the said County Court And that vpon Complaint of any person that the said Charges are not allowable or that he is overcharged or otherwise agreived the said accompts shall be Examined and Rectifyed by the Prouinciall Court of this Prouince

An Act against divulgers of falce news

Whereas many Idle and Bussie headed people doe forge and divulge falce Rumors and Reports to the great disturbance of the peace of the Right Hon^ble^ the Lord Proprietary and his

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good people of this Prouince Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the Assent of this present Generall Assembly that what person or persons soever shall forge or divulge any falce Reports (Tending to the trouble of the Prouince) hee or they shall be by the next Iustice of Peace sent for and bound over to the next County Court or the Prouinciall Court (where if the thing Related be materiall And that he produce not his author) he shall be fined two thousand pounds of Tobacco (or lesse if the Court shall thinke fitt to Lessen itt) And besides give bond with Security for his Behauiour (if itt appears to the Court that he did Maliciously publish or invent the same the one halfe to the Lord Proprietary and the other halfe to him or them that shall informe of the same To be Recovered in any Court of Record within this Prouince And further if any such Idle and Buss-headed person shall forge or Maliciously Publish or invent any falce Reports or tales of any of his Lordships Iustices of the Prouinciall Court (shall by the Iustice of peace to whom such Complaint be made be bound over to the next Provinciall Court Butt if the offence be Comitted against any of the Iustices of any of the County Courts That then such person be bound over to the County Court where the same offence was Comitted in the severall and Respective Counties) to be fined or to Receive such Corporall punishment (not Extending to life or member) as to the Iustices of that Court shall seeme meete This Act to Endure for three yeares or to the end of the next Generall Assembly.

An Act for the makeing voyd and Punishing of all fraudulent Practices tending to the defrauding of Reall Purchasers and Creditors

For as much as nothing is more destructive to trade or more pernicious to humane Society then the wicked and deceitfull practice in these dayes too much vsed for the defrauding the Lord and Proprietary his heeres and successors Lords and Proprietaryes of this Province of his and their Iust Rights Pur-
p. 52 chasers of their Iust titles and Estates by them truely and Really Purchased for Reall and valueable Consideracōns and Creditors of their Iust and Reall Securities and debts by Secrett fraudulent feigned voluntary and Covinous grants Alienacōns and Conveyances of lands and hereditaments as alsoe by feigned Covinous and fraudulent bills bonds accōns suites debts Iudgments Extents Seizures and Execucōns all which haue been and are accustomed to be devised Sett on foote and Continued and made vse of for the Ends before mencōned for the preventing and avoyding whereof Bee itt Enacted by his

Lordship the Lord and Proprietary of this Prouince by and with the aduice and consent of the upper and lower house of this present Generall Assembly That all and every gift grant bargain Sale Alienacōn Conveyance lease demise Charge Incumbrance and Estate whatsoever of in to or out of any lands Tenements or hereditaments whatsoever and all and every gift grant bargain Sale and Alienacōn of any goods or Chattles whatsoever And all and every bill bond accōn suite debt Iudgment Extent Seizure and Execucōn at any time heretofore had made granted Charged obteined Executed Commenced Contrived Sett on foote continued or made use of or hereafter to be had made granted Charged Executed Comenced contrived Sett on foote Continued or made use of for any the Ends intents or purposes before mencōned shall be from henceforth deemed Construed adjudged and taken (only as against the Lord Proprietary and his said heires and successors and as against such Reall Purchasers Reall Mortgagers and Reall Creditors their heirs successors Executors Administrators and assignes Respectively whose Estates Rights titles Interests accōns suites debts accompts Claimes or demands by such Covinous feigned deceitfull and fraudulent devices Contriveances and practices is are shall may or might be disturbed hindered barred delayed or deseated) to be Clearly and absolutely void frustrate and of none Effect any pretence Colour feigned Consideracōn or other matter thing to the Contrarie Notwithstanding. Liber W H & L

And Bee itt further Enacted by the Authority aforesaid and by and with the aduice and Consent aforesaid that all and every person and persons who are or shall be party or parties to any such Secret fraudulent feigned or Covynous guift grant bargain Sale Alienacōn Conveyance lease demise Charge incumbrance Estate bill bond accōn suite debt Iudgment Extent Execucōn or other matter or thing herein before Expressed and who being privy therevnto or haueing notice of and knowing the same shall after the three and twentieth day of Aprill in the yeare of our Lord one thousand Six hundred Seventy and one wittingly or willingly put in ore avow abett maintaine Iustifie or defend the same as true and Simple and as had made granted done Executed or obteyned bona fide and upon p. 53 good Consideracōn or shall grant alien assigne or transferr the same or the benefitt thereof or any part thereof shall incurr the Penalty and forfeiture of two yeares of the improued value of such lands Tenements and Hereditaments as shall be soe given granted Bargained sold alienated leased and demised Conveyed Charged or Incumbred and the whole values of all such goods and Chattles and alsoe all such moneys as shall be mencōned Conteyned or pretended to be due or Claimed or

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Endeauoured to be Recovered in or by any such bill bond accōn suite debt Iudgment Extent Seizure or Execucōn before mencōned the one moyty whereof to be to his Lordship his heirs and successors Lords and Proprietaryes of this Prouince and the other moyty to the party or parties grieued by such Covinous and fraudulent Practice to be Recovered in the Prouinciall Court of this Prouince by accōn of debt Bill plaint Informacōn wherein noe Essoyne protecccōn or wager of Law shall be admitted And alsoe being thereof lawfully Convicted shall Suffer imprisonment by the Space of one halfe yeare without Baile or mainprize

Provided alwayes and Bee itt Enacted by the Authority and by and with the aduice and Consent aforesaid That this act or any thing therein Conteyned shall not Extend to make voyd any grant bargain Sale Alienacōn Conveyance Charge Estate lease demise assignment or other title or Interest of in to or out of any lands Tenements or hereditaments goods or Chattles had made Charged Conveyed Recovered transferred obteyned or assigned which is are or shall be upon good Consideracōn and Bona fide Really and truely & Lawfully had made Charged Conveyed Recovered transferred obteyned or assigned to any person or persons Bodyes Pollitick or Corporatt not haveing att the tyme of the makeing Executeing takeing Receiveing Charging obteyning accepting or vesting of the same in him or them any manner of notice or knowledge of any such Covin fraud collucōn or practice as is before mentioned any thing herein before Conteyned to the Contrary Notwithstanding.

An Act for quietting possessions

For as much as in the Beginning of this Plantacōn and till of late yeares there never was any Settled Course of Conveying lands Tenements or hereditaments from man to man in this Prouince by Reason whereof the titles of divers persons haue bona fide bought and paid for lands become doubtfull and thence arises divers Suites att Law to the great losse of divers Inhabitants of this Prouince Wee the delegates and deputies of the freemen of this Prouince in this present Generall Assembly Doe pray that itt may be Enacted and be itt Enacted by the Right Hon^{ble} the Lord and Proprietary of this Prouince by and with the aduice and Consent of the upper and lower houses of this present Generall Assembly that all sales guifts

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or grants heretofore made of any lands Tenements or hereditaments within this Prouince by any person or persons whatsoever that Right had to sell give or grant such lands Tenements or hereditaments made by writeing onely with or without seale

shall for ever hereafter be accounted good and avayleable in Law to barr the heirs or Executors of such vendors Donors or grantors and all persons Claimeing dower from any such vendors donors or grantors any error in the forme onely of such writeings to the Contrary Notwithstanding And forasmuch as divers assignments of Pattents written on the back side of such Patents for land are now worne out and alsoe many other Seales in Paper either worne out or quite lost for which the purchase money hath been bona fide paid Bee itt further Enacted by the Authority aduice and Consent aforesaid That all Sales Guifts or grants heretofore made by persons that Right had as aforesaid where either the Sale guift or grant or payment Bona fide made can be proved by wittness such Sales shall for ever hereafter be accounted good and avayleable in the Law to barr the heirs and Executors of such vendors Donors or grantors or other persons Claymeing Dower from any such vendors Donors or grantors any law Custome or vsage to the Contrary hereof Notwithstanding. Liber W H & L

An Act against Hogstealers

Whereas the Act made att a Generall Sessions of Assembly the tenth day of Aprill 1666 Requires an amendment in Severall clauses thereof Bee itt therefore Enacted and Bee itt Enacted by the Right Hon^ble^ the Lord Prop^ry^ by and with the Assent of the upper and lower house of this present Generall Assembly that whosoever shall be proved or Convicted either by wittnes Confession or otherwise as principall or accessary to haue killed any hoggs in the woods or upon a Plantacōn or otherwise and to haue Cutt of the Eares thereby to deface or otherwise to alter the marke shall be Reputed as a Hogg stealer & suffer as a hogg stealer And he alsoe that shall kill in the woods or elce where any Hogg or hoggs not being his owne or shall secretly Carry them away with purpose to Conceale them shall be adjudged a Hoggstealer vnlesse he shall Cutt of Sufficient of the flesh or Skinn Ioyning with both eares Evidently thereby to demonstrate whose hoggs they were and shall alsoe Naile and hang the same upp in Publick view for the space of one whole moneth att the least And Bee itt further Enacted by the Authority aforesaid That every person or persons either as principall or accessary that shall privately kill or carry a way any young Piggs or vnmarkt Shoates not being vpon his owne land or not sorting or in Company with his owne Hoggs shall alsoe be adjudged a Hoggstealer And p. 55 bee itt also Enacted by the Authority aforesaid that any person or persons that shall be Reputed by Comon fame hoggstealers

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and haveing been formerly warned by the true owner of the land and shall yett presume either with Dogg or Gunn to hunt upon the same hee or they soe forewarned shall be lyable to pay the quantity or sume of one thousand pounds of Tobacco for every such offence the one halfe thereof to the Lord Proprietary and the other halfe to the owner of such land the which shall be Recoverable in any Court of Record in this Province by accon of debt plaint bill or Informacon wherein noe Essoyne Protection or wager of Law to be allowed Bee itt alsoe further Enacted by and with the Assent of the Authority aforesaid That any person or persons being either principall or accessary That shall be Legally Convicted as a Hoggstealer shall for the first offence stand in the pillory att the Prouinciall Court four Complea[t] houres and shall have his eares Crapt and pay treble damages to the owner of the Hoggs Stolne and for the second time the offender shall be stigmatized in the forehead with the Letter H and pay treble damages and for the Third offence of Hoggstealeing he or they soe offending shall be adjudged as fellons And the Delinquent shall have noe Benefitt of Clergy And Bee itt Enacted by the Authority aforesaid That all persons uppon their owne land may Lawfully kill any Hoggs Piggs or Shoates aboue three moneths old that are vnmarked any thing in this Act mencōned to the Contrary Notwithstanding And Bee it alsoe further Enacted by and with the assent of the Authority aforesaid That the former acts provided against Hoggs stealers from henceforth be Repealed and are hereby Vtterly Repealed for ever And for the better Execucōn of this and all other the good lawes in this Prouince against offenders Bee itt Enacted that every Respective County Court att the Courts to be held halfe yearely in March and November in every Respectiue County shall by a grand Iury Enquire of all offences Comitted against this and all other the good lawes of this Prouince And every Respective Sherriffe in the said County shall of Course Impanell and Returne a Iury of Enquest of such Courts halfe yearely to be held as aforesaid And that all the Constables shall of Course appeare att the said Respectiue County Courts in the month of March and November to be halfe yearely held as aforesaid And if either the Sherriffe shall Neglect to Impannell and Returne such Iuries as aforesaid or the Constables to appeare as aforesaid each Sherriffe or Constable shall forfeite Respectively one thousand pounds of Tobacco for every such his or their Neglect to Impannell and to Returne Iuries or to appeare to present offences as the Constables by Oath are bound And for the more Effectuall prosecucōn of the true intent and meaning of this Act Bee itt Enacted by the Authority aforesaid that a forme of a Charge be by the Chancellor

drawne up & sent to the severall County Courts uppon the Severall Articles of which the said County Courts shall strictly Examin all the Constables within their Severall Respective Counties for the discovery of the offenders and due Execucōn of Iustice And that all presentments That shall concerne life or member be by the Clerkes of each respective County Courts Retorned to the next Prouinciall Court upon paine of forfeiture of one thousand pounds of Tobacco for every presentment by them Neglected to be sent to the Prouinciall Court as aforesaid This Act to Endure three yeares or to the end of the next Generall Assembly

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An Act for the provideing a standard with English Weights and Measures in the severall and Respective Counties within this Prouince

Whereas dayly Experience sheweth that much fraud and deceite is practised in this Prouince of Maryland by falce weights and measures for preuencōn thereof for the future Bee itt Enacted by the Right Honnourable the Lord Proprietary by and with the assent of the upper and lower house of this present Generall Assembly that noe Inhabitant or trader hither shall buy or Sell or otherwise make use of in tradeing any other weights or measures then are vsed and made according to the Statute of Henry the seventh King of England in that case made and provided And for discovery of abuses be itt further Enacted That Daniell Ienifer of S^{t} Maryes County Robert Dunn of Kent County Thomas Taylor of Ann Arundell County Charles Brookes of Calvert County Henry Adams of Charles County Iohn Vanheeck of Baltemore County William Hambleton of Talbott County William Stevens of Somersett County and Daniell Clerke of Dorchester County Gentl. doe sett up a standard att their owne houses and provide by the next shipping or the shipping then next following att furthest twelve halfe hundred weights a quarterne halfe quarterne seven pounds four pounds two pounds one pound alsoe Each person aboue named are to procure Six Stamps for the marking of Stillyards and weights the first six to be marked with the Letter A for S^{t} Maries County the next Six to be with the Letter B for Kent County the Third six with the letter C for Ann Arundell County the fourth six to be with the Letter D for Calvert County the fifth six with the letter E for Charles County the Sixth Six with the letter F for Baltemore County the Seventh with the Letter G for Talbott County the Eighth H for Somersett County the Ninth with the Letter I for Dorchester County alsoe Each person aboue named to haue Nyne

Liber W H & L Irons Numbred from one to Nyne and another with a Cypher for the Numbring of Stillyards and Pea that they might not be Changed and alsoe to procure Brasse measures of Ell and yard to be Sealed in England likewise a Sealed Bushell halfe Bushell Peck and Gallon of Winchester measure gallon Pottle quart Pinte and halfe pint of wine measure with three Burnt
p. 57 Stampes for the wooden measures And three other stampes for the pewter measures to be all of the same Letter with their other stampes And that the said weights measures and stampes be kept by the Respective persons aforenamed att their aforesaid houses whither all persons are to bring their Stillyards to be tryed Stamped and Numbred once a yeare alsoe their Barrells which are to Conteyne five Bushells and other measures to be sealed And all persons selling by other weights or measures which are not tryed Stamped Numbred and Sealed as aforesaid shall forfeite one thousand pounds of Tobacco for every default the one halfe to the Lord Proprietary the other halfe to the Informer to be Recovered in any Court of Record within this Prouince And itt is further Enacted by the Authority aforesaid that noe Stillyards that Carries gross weights shall be admitted or Stampt att any Standard within this Prouince And in Consideracõn of the trouble paines and Charge which the person aforenamed must use and bee att in performing this office Itt is hereby further Enacted by the Authority aforesaid that every person or persons for every time that any persons shall have their Stillyards and pea tryed Stamped and Numbred shall pay vnto such person (that shall have the keeping of the said Standard) the sũme of two shillings and alsoe Six pence for every wooden and pewter measure markt and if any person without Iust Cause shall trouble another to try his Stillyards after Stampt and Numbered by the Standard such person shall pay and Satisfie the fee to the officer soe due as aforesaid And itt is hereby further Enacted by the Authority aforesaid that one thousand Six hundred pounds of Tobacco be this present yeare Leavyed in every Severall and Respectiue Counties within this prouince to be paid this Cropp now Ensueing vnto each Respective person aforenamed for the Purchaseing of the aforesaid Waights measures and other the materialls And in case the same is not Sufficient to purchase the same after a Iust accompt delivered into the Comissioners of each Respective County of the first penny in England with all other disbursements which will accrue thereby allowing one penny for every pound of Tobacco Then the said Comissioners hereby are Enjoyned to Tax Soe much as shall be wanting thereof in the Ensueing County Leavy And if in case the said Sume of Sixteene hundred pounds of Tobacco will overpay their Said disbursements

att one penny per pound Then such person or persons are to be accomptable for the overplus (the Cropp that shall Ensue the Arriveall of the said goods to the County that shall disburse the same And if in case any of the persons aforenamed shall make default of procureing and purchaseing such weights measures Seales Stamps and Numbers as by this Act they are Enjoyned by the time before Limitted the said person or persons shall be fyned three thousand pounds of one halfe thereof to the Lord Proprietary and the other halfe to the County where such default shall be made and where the same shall be Recovered by Bill plaint or Informacõn wherein noe Essoyne Protecc̃on or wager of Law to be allowed And in case of the death of any of the persons afore in this act named to prouide the Weights and measures and for keeping the standard aforesaid the severall and Respective Comissioners of each Respective County Court shall from time to time nominate and appoint such other person or persons in their Severall and Respective Counties to keepe the said Severall Standards in such Convenient place in the County as they shall thinke fitt this act to Endure for three yeares or to the End of the next Generall Assembly which shall first happen

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An Act prohibiting the Importacon of all Horses geldings mares or Colts into this Prouince

For as much as the great Numbers of horses Geldings mares and Colts within this prouince are soe destructive to the Inhabitants thereof that with their yearely encrease in the Country and their Importacõn from forreigne parts would soe greatly augment in few yeares that the whole Province would Receive great Injuries thereby Wherefore for prevencõn for the future It is hereby Enacted by the Right Hon^ble^ the Lord and Prop^ry^ of this Prouince by and with the assent of the upper and lower houses of this present Generall Assembly and by the Authority of the same That noe person or persons whatsoever from and after the end of this Assembly shall import or bring into this Prouince by sea or land any horses mares geldings or Colts from any forraigne parts whatsoever vnder the penalty of forfeiting all such horses Geldings mares or Colts soe by him or them imported or brought as aforesaid or the full value thereof one halfe to the Lord Proprietary the other halfe to the Informer or him or them that shall seize the same to be Recovered in any Court of Record within this Prouince by Bill plaint or Informacõn wherein noe Essoyne Protecc̃on or wager of Law to be allowed This act to Continue for three yeares or to the End of the next Generall Assembly which shall first happen.

Liber W H & L

To the Right Honorable the Lord and Proprietary of the Prouince of Maryland and Avalon Lord Baron of Baltemore &ca

The humble Peticōn of Alexander Dhyniossa of Fosters Island in the County of Talbott and Margretta his wife Alex-
p. 59 ander Iohannes Peter Maria Iohanna Christina and Barbara Sonns and daughters of the said Alexander and Margaretta, Mathew Cartwright of St Maryes County Thomas Turner of Ann Arundell County Mathias Peterson and Peter his sonne of Talbott County Iacob Clause de young of Baltemore County Hans Iacob De Ring of the same County Rutgertson Garrets of the same County Iohn Lederer of Calvert County Iohn Elexon of Kent County Peter mills of St Maries County Marke Cordea of St Maries County Nicholas fountaine of Somersett County Anthony Demouderer of Ann Arundell County and Andrew Toulson of Baltemore County all Inhabitants in this Prouince

Humbly Shew

Vnto your Lordship That your Peticōners Alexander Dhyniossa and Margeretta his wife Alexander, Iohannes, Peter, Maria, Iohanna, Christina, and Barbara, Sonns and daughters of the said Alexander and Margaretta were all borne in Holland vnder the Dominion of the States Generall of the vnited Prouinces Mathew Cartwright was borne att Middlebourgh in the Prouince of Zealand vnder the Dominion of the said States Generall Thomas Turner there alsoe Mathias Peterson and Peter his sonne in holland likewise Iacob Clause Deyong in Holland aforesaid Hans Iacob De Ring in holland aforesaid Rutgertson Garrets att Amerfoord in holland aforesaid Iohn Lederer vnder the Dominion of the Emperor of Germany Iohn Elexon vnder the Dominion of the king of Swedeland Peter Mills in Holland aforesaid Marke Cordea in Normandy in france Nicholas ffountaine in france alsoe Anthony Demouderer in ffrance likewise And Andrew Toulson in Swedeland aforesaid And your peticōners being now Removed into this Prouince haue for long time therein Inhabitted being invited to come and dwell within this Prouince by and upon Confidence of your Lordships Declaracōn of the Second of Iuly one thousand Six hundred forty & Nine whereby your Lordship did impower your Lordships Gouernour of this Prouince from time to time to grant lands to any persons of Dutch Swedish German french or other forreigne discent in the same in as ample manner and upon the same tearmes and Provisoes as he was thereby impowred to grant land to any person or persons of Brittish or Irish discent & dureing their abode within this Prouince your peticoners haue been alwayes faithfull & obedient vnto your

Lordshipps lawes Yett for that your Peticōners are not of Brittish or Irish discent they cannot take benefitt of the Lawes and Customes of this Prouince as other the good people of this prouince of Brittish or Irish discent may to their great losse prejudice and hinderance as alsoe to the deterring of Diverse others others of the forreigne nacōns aforesaid from Comeing into this Prouince and by Consequence foreslowing the peopleing of this Prouince with vsefull Artificers and handy Crafts men may itt therefore please your Lordship of your abundant goodnesse and wonted Care of and over this prouince That itt may be ordeyned and Enacted by your Lordship And bee itt ordeined and Enacted by the Right Hon^ble^ the Lord and Proprietary of this Prouince by and with the advice and Consent of the upper & lower houses of this present Generall Assembly and the authority of the same That your Lordships humble Peticōners Alexander Dhyniossa and Margryta his wife, Alexander, Iohannes, Peter, Maria, Ioanna, Christiana, and Barbara Sonns and daughters of the said Alexander & Margaretta Mathew Cartwright Thomas Turner Mathias Peterson and Peter his Sonne Iacob Claus de Young Hans Iacob De Ringe Ruttgertson Garretts Iohn Lederer Iohn Ellexon Peter Mills Marke Cordea Nicholas Fountaine Anthony De Mouderer & Andrew Toulson and every of them shall from henceforth be adjudged Reputed and taken as Natureall borne people within this Prouince of Maryland And alsoe that they and every of them shall and may from henceforth by the same Authority be Enabled and adjudged to all intents and Purposes able to demand Challenge aske haue hold and Enjoy any lands Tenements Hereditaments and Rents within this Prouince as heyre or heyres to any of their Ancestors by reason of any discent in fee Simple or fee tayle generall or Speciall or come to them or any of them by any discent in fee Simple or fee tayle Generall or Speciall or Remainder vppon any estate tayle or by any other Lawfull Conveyance or Conveyances or meanes whatsoever as if they and every of them had been borne within this Prouince or were of Brittish or Irish discent as aforesaid And also that they and every of them henceforth may and shall be Enabled to prosecute mayntaine & avow Iustifie and defend all manner of Accōns suites Plaintes and other demands whatsoever as liberally franckly freely fully Lawfully and Securely as if they and every of them had been Natureally borne within this Prouince of Maryland or were of Brittish or Irish discent and as any other person or persons natureally born within this Prouince or of Brittish or Irish discent may any wise Lawfully doe any Law Provisoe Act or Custome of this Prouince or other thing whatsoever had made ordeined or done within this Prouince to the Contrary thereof in any wise Notwithstanding.

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An Act for the Rayseing and Prouideing a Support for his Lordship the Lord and Proprietary of this Prouince dureing his natureall life and likewise a Supply towards the defraying the Publick Charges of Gouernment

The Vpper and lower houses of this present Generall Assembly with all Imaginable gratitude and thankfullnesse Reflecting vppon the great grace and fauour Expressed by your Lordship to the people of this Province in the vnwearied Care which your Lordship hath shewn and the vast Expences and Charge which your Lordship hath been putt vnto from the tyme of their first seating in this your Lordships Province vnto this Instant merely to preserue them in the Enjoyment of their lives and liberties and the Increase and Improvements of their Estates and fortunes and takeing it into their Serious Consideracōns That as Gouernment is Necessary for the Conservacōn of all Societies the Charges of every Gouernment without which itt cannot possibly subsist ought in reason to be borne by those whose Conservacōns depend Vpon the Government for and towards the defraying the many great and Necessary
p. 61 Expenses of Government And to the intent Your Lordship your heires and Successors Absolute Lords and Proprietaryes of this Prouince may for the future be Enabled in some measure to defray the same and in particular to allow Competent Sallaries and Encouragement to the Leivtenant Generalls and Cheife Gouernours And to the privy Councell of the Lord and Proprietary of this Prouince for the time being soe as without prejudice to their private affaires they may be Encouraged and Reasonably Required to attend vnto the Administracōn of Iustice and other Publick Concernments doe beseech your Lordship that it may be Enacted And Bee itt Enacted by his Lordship the Lord and Proprietary of this Prouince by and with the advice and Consent of the upper and lower houses of this present Generall Assembly That from and after the first day of September now next comeing there shall be Raysed leavyed Collected and paid vnto his Lordship the Lord and Proprietary of this Prouince the Sume of two shillings starling for every Hoggshead & quantity of an hoggshead of Tobacco which shall be att any time then after Shipped in any Ship or vessell to be Exported out of this Prouince or any the Territoryes Islands Ports Rivers Creekes or any places thereunto Belonging.

And Bee itt further Enacted by the Authority aforesaid and by and with the aduice and Consent aforesaid That the said duty and Imposicōn shall be from time to time paid and Satisfyed by the master and masters of every such ship or vessell Respectively in which any such Tobacco shall be Exported

vpon his or their Cleareing and takeing out of his and their dispatch and dispatches for every such Respective shipp and vessell And before the departure of such ship or vessell from this Prouince And that all and every master and masters of any shipps or vessells comeing into this Prouince shall att their first arriveall here and before their Ladeing on board any goods or Comodities of the growth Produccon or Manufacture of this Prouince give good and Sufficient Security and Securities to the Lord and Proprietary or to the Leivtenant Generall or Cheife Gouernour of this Prouince for the tyme being for the true payment of the said duty and Imposicon accordingly. Liber W H & L

And Bee itt further Enacted by the Authority aforesaid and by and with the advice and Consent aforesaid That all and every person or persons Shipping or ladeing on board or attempting or Endeauoring to shipp or lade on board in any ship or vessell whatsoever any Tobacco for which the said duty or Imposicon is or shall be due before such Security given by the master or masters of such shipp or vessell for the payment of the duty or Imposicon before menconed And a Certificate of such security given first had and obteyned vnder the hand and Seale of the Lord & Proprietary or Leivt: Generall or cheife Gouernour of this Prouince for the tyme being or of such officer or officers on that behalfe for the time being to be appointed Shall forfeite the same or the full value thereof the one moyty whereof shall be to his said Lordship his heires & successors Lords and Proprietaryes of this Prouince and the other moyty to him or them who shall seize or sue for the same by bill plaint or Informacon in any the Courts of Record within this Prouince. p. 62

Provided alwayes That one halfe of the mony by this Act to be Raysed be Imployed towards the mainteineing a Constant Magazine with Armes and Amunicon for the defence of this Prouince and defraying other Publick Necessary Charges of the Gouernment

Provided allwayes that soe long as this Act shall Continue noe publick Leavy shall be laid vpon the freemen & inhabitants of this Prouince but by Consent of the said freemen in open assembly first had and obteyned

And that dureing the Continuance of this Act as aforesaid the last Clause of an Act Intituled an act Concerning Leavying warr within this Prouince by which Clause itt is Enacted that all Charges ariseing from time to time by defence of this Prouince against any Invasion of any Enemy or Enemyes or against any domestick Insurreccons or Rebellions against the Publick peace of this Prouince or the Gouernment Established herein and vnder the Lord Proprietary and his heires Lords and Proprietaryes of this Prouince shall be defrayed by the Prouince

Liber W H & L

by an Equall Assessment upon the persons and Estates of the Inhabitants thereof shall be and Remayne suspended any thing in that Act to the Contrary Notwithstanding The foregoing Clauses in the said Act Remayning still in full force and vertue

Provided alsoe that soe long as this Act shall Continue his said Lordship his Receivor or Receiveours Generall for the time being shall Receive good Sound and Marchantable Tobacco when Tendred for his said Lordships Rent or fines for Alienacōn of lands Reserved vpon the severall and Respective grants of land in this Province att the Rate of two pence per pound any thing in his said Lordships grants to the Contrary hereof Notwithstanding Provided alsoe and itt is hereby Enacted by the Right Hon^ble^ the Lord Proprietary by and with the Consent of the upper and lower houses of this present Generall Assembly That the Act Entituled an act for the muster master Generalls fee be & for ever henceforward stand Repealed

This Act to Continue dureing the Natureall life of the Right Hon^ble^ Cæcilius now Lord & Proprietary of this Province and for one Cropp more next after his decease and noe Longer.

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An Act for the Advancement of fforreigne Coynes

fforasmuch as Tobacco is the only comoditie of this Province which is att So Low a Rate that noe Manufactures handicrafts or Tradesmen in which Consists the welfare of all fflowrishing Countries Cannot Subsist without the help Conveniences and assistance of Ready mony Wherefore for Encouragm^t^ to those that shall bring monys into this Province as for all manufactures Handycrafts and other Tradsmen that is already or here after Shal be Imported into this Province As also for the Ease Benefitt and Advantage of other the Inhabitants of this Province in dealing Trafficking or Trading for inconsiderable Parcells of goods for which payment cannot Soe well be made in Tobacco. Bee it Therefore Enacted and it is hereby Enacted by the Right Hono^ble^ the Lord Proprietary by and with the Advise and Consent of the vpper and Lower howses of this Present Generall Assembly And by the Authority of the Same That all Coynes (except the Coynes of his Royall Maiestie the King of great Brittayne) hereafter named shall be Advanced Taken and Rec^d^ by all Persons for the ffull value in mony sterling as they by this Act are Enioyned (That is to say) That Every shilling of his Lorrp̄ps the Lord Proprietary shal be deemed to pass for Twelve pence sterling and Every six penny peece for Six pence sterling Every New England shilling

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for Twelve pence sterling And Every New England Six penny pece for Six pence sterling And either of the Said Coynes in Lesser or greater Pecees to be advanced the Sume of Three pence ꝓportionable in Every shilling or Twelve pence according to the Rates they pass or goe for in the Kingdom of England As also Every ffrench Crowne peece of Eight or Rix doller att Six shillings sterling duccatones att Seaven Shillings and Six pence sterling which Said ffower Coynes and Every of them in greater or Lesser peeces to be advanced as aforesaid And according to the Rates they pass for and are taken in England aforesaid as also all other Coynes of Silver or gold fforreigne or not fforreigne (except before Excepted and except also Perulvies and Copper or base mony) That shall be Lycenced to be Exported out of the Kingdom of England and Passable in the Kingdom of England shal be paid taken and Received with the Advance of three pence sterling in the vallue of Twelve pence sterling Conteyned in Every Such pece as the Same is vallued in England And it is hereby Enacted by the Authority aforesaid That all Such moneys and Coynes So advanced as aforesaid shall be Rec^{d} and taken to the vallue aforesaid in all paym^{ts} made and contracted for to be made and paid in mony vnd^{r} the paine that vppon Sufficient proofe made of Such Person or Persons So Refusing to accept thereof for or in Satisfacō of any debt due by bill contract or account or by any other Lawfull waies or meanes whatsoever att such Rates and advance as by this Act is made and Enacted to Loose his her or their debt or debts Soe due as aforesaid never to be Recovered of the Debtor in any Court of Record within this Province any Law Custom or vsage to the contrarie hereof Notwithstanding And it is hereby ffurther Enacted by the Authority aforesaid That noe Person or Persons whatsoever Stranger or Inhabitant within this Province shall Export out of this Province or attempt to Export out of the Same any of the aforesaid Coynes or mony Soe advanced as aforesaid by Privatly Secretly or Publiquely Conveying or hiding of the Same on Board any Shipp or vessell bound out of the Province vnd^{r} the Paine of fforfeiture of the Said mony Soe Exported or intended to be Exported as aforesaid one moyty thereof to the Lord Proprietary and the other halfe to the Informer or him or them that shall Sue for the Same in any Court of Record within this Province by bill Plaint or Informacōn wherein noe Essoyne Protecc̄on wager of Law to be allowed Provided alwaies that the Two shillings ꝓ hogshead this Assembly given to the Right Hono^{ble} the Lord Proprietary for Support of the Govern^{mt} shal be alwaies paid in English mony sterling or the full Intrinsick vallue thereof in the Coines aforesaid Any thing in this Act or in any other Act to the Contrarie hereof Notwithstanding This Act to Endure for Tenn yeares next Ensuing

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An Act Touching Coopers

fforasmuch as divers Complaints have bene made to the delegates and deputies in this p^r^sent Assembly assembled of the many great abuses Comitted by the Severall Coopers ꝑsons pretending to Sett vpp Tobacco Caske within this Province who having agreed with Severall of the Inhabitants of this Province for the Setting vpp of their Tobacco hogsheads doe for the most part Either through Idlenes or willfulnes neglect Refuse or delay to Sett vpp and ffinish the Quantity of hghds and Tobacco Casks agreed to be Sett vpp and made till very Late in the yeare and till shipping time is almost done to the great p^r^iudice of the Planter and Inhabitants of this Province As also to the great p^r^iudice of Merchants and Masters of Shipps who are forced to stay in the Country a long Time for their Tobaccoes which they cannot Receive though Ready for want of Cask to pack the Same to the Retarding their voyage and hindrance of trade for prevencõn whereof for the ffuture Bee it Enacted by the Right Hono^ble^ the Lord and Proprietary of this Province by and with the Assent and Consent of the vpper and Lower howses of this p^r^sent Generall Assembly and by the Authority of the Same That from and After the Publicacõn hereof any Cooper or Coopers p^r^son or p^r^sons whatsoever within this Province th^t^ Shall agree with any the Inhabitants of this Province and undertake with him or them to Sett vpp or make his or their Tobacco hgds or Casks Shall and are hereby Enioyned to make Sett vpp and ffinish one halfe of the Said Tobacco hgds or Caske by the Tenth day of October next and so by the Tenth day of October in any yeare And the Said Cooper or Coopers Person or Persons Soe agreeing and vndertaking to Sett vpp the Same Caske as aforesaid Shall and are also hereby Enioyned to make Sett vpp and ffinish the other moyty or halfe p^t^ of the Said Tobacco hgds or Caske by or before the Tenth day of december next coming or by or before the Tenth day of december in any yeare And if any Cooper or Coopers Person or Persons whatsoever within this Province Soe agreeing and vndertaking the same as aforesaid shall wilfully or otherwise neglect or Refuse to make Sett vpp Compleat and ffinish the Said Tobacco hgds or Cask aforesaid and in Such ꝑportion and by Such Severall Times as aforesaid Shall forfeit and pay vnto the ꝑty or ꝑties whose hgds or Caske he or they had agreed and vndertaken to make Set vpp and ffinish as Aforesaid the Sume of one hundred pounds of Tobacco for Every Tunn of Caske or Tobacco hgds Soe Left att the Times aforesaid vnmade not Sett vpp and vnfinished To be Recovered in the Severall and Respective County Courts where the Said Partie or Parties

Cooper or Coopers doe att that Time dwell or Reside vnless the Said Cooper or Coopers Person or Persons agreeing and vndertaking the Said worke and Taske as aforesaid Shall or cann before the Comissiorr of Such County Courts make it Sufficiently appeare that he was hindered in prforming his Said Agreement and vndrtaking by Sickness or some other Lawful Impediment to be adiuged and approved of by the Said Comrs of the Said Severall County Courts This Act to Endure for Three years or to the End of the next Generall Assembly

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An Act for stay of Execucons after Aprill Court

Whereas many the Inhabitants of this Province are and have been Exceedingly grieved and Burthened by Execucons Layd vppon them for Tobacco in the Summer Time when it is not Possible for them to Procure Tobacco for paymt and Satisfaccon of their Creditors by meanes whereof they are oft Times kept in Prison a long Time and thereby disabled from Tending or making their Cropps to the great priudice (if not ruine) of many the Inhabitants of this Province being thereby left destitute of any meanes to Satisfie their debts for Prevention whereof for the ffuture Bee it Enacted by the Right Honoble the Lord and Proprietary of this Province by & with the Advice and Consent of the vpper and Lower howses of this prsent Generall Assembly And by the Authority of the Same That from and after the Publicacon hereof And So from and after the Tenth day of Aprill in any yeare noe Execucon Shall issue out of any the Courts of this Province against the Bodyes goods or Chatles of any Person or Persons Inhabiting or Residing in this Province till the Tenth day of October next or till the Tenth day of October in any yeare during the Continuance of this Act for any debt or debts or vpon any accon Iudgmt or Iudgms Sued had and Recovered against any Inhabitant of and within this Province in the Provinciall Court or any the County Courts of this Province for any Cause matter or thing whatsoever Provided Such pson or psons Inhabitants in this Province against whom Such accon is or shall be Brought or Iudgment obteyned as aforesd shall and doe before one or more of the Justices of the Provinciall Cors or before Two or more of the Comrs of the Respective County Cors within this Province give and putt in Sufficient Cautions and Security to be approved and allowed of by the Said Iustice or Iustices or Comissors as aforesaid well and Truly to pay and Satisfie vnto any pty Plt or defdt in any Such accō in which Judgment is obteyned as aforesd in any the Courts aforesd by or before the Tenth day of October next or by or before the

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Tenth day of october in any yeare as aforesaid the moneys or Tobacco Recovered by the Iudgm^ts^ aforesaid which Said Security or Cautions Soe taken as aforesaid shall be from Time to Time Entred and put vpon Record with the Severall and Respective Clks of the Provinciall Court or County Co^rs^ Clks before whose Iustice or Iustices or Com^rs^ the Same were taken and A Certificate thereof vnd^r^ the hand of the Clerke of the Provinciall Court and vnd^r^ the hands of the Said County Clerkes and County Seales (for which Certificate there shal be paid the ffee of ffive pounds of Tobacco and noe more) Shal be a Sufficient Supsedeas to any the Sherriffes of the Severall and Respective Counties within this Province when to Such Sheriffes delivered to Stay and debarr him or them from Executing of any Execucons issued out in the Times aforesaid Any Law Custome or vsage heretofore had made or done within this Province to the Contrarie hereof in any wise Notwithstanding But in default of putting in Such Caution or Security & obteyning Such Certificate to the Sheriffe as aforesaid by the Tenth day of Aprill aforesaid Eexecuc̄on may and shall issue and be Executed any thing in this Act to the Contrarie Notwithstanding This Act to endure for Three yeares or to the End of the next Generall Assembly which shall ffirst happen.

An Act for the Reviving of Certaine Lawes within this Province

fforasmuch as many good and wholsome Lawes have fformerly beene made in this Province which being Temporary will of themselves Expire if not Renewed and Continued by this p^r^sent Assembly Bee it Enacted by the Right Hono^ble^ the Lord Proprietary of this Province by and w^th^ the Advise and Consent of the vpper and Lower howse of this p^r^sent Gen^ll^ Assembly That an Act made att a Gen^ll^ Assembly of this Province begun the Seaven and Twentyth day of Aprill 1658 Intituled an Act concerning the gage of Tobacco hogshds One other Act made att the Same Assembly Intituled an Act Prohibiting ground Leaves and Seconds One other Act att the Same Assembly Intituled an Act for the killing of wolves One other Act made att the Same Assembly Intituled an Act Concerning a Register of Births Marriages and Burialls One other Act made att an Assembly held att S^t^ Iohns the Seavententh day of Aprill 1661 Intituled an Act for the Appointing of Certaine officers One other Act made att the Same Assembly Intituled an Act for Military Dicipline One other Act made att the Same Assembly Intituled an Act Concerning the Height

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of ffences One other Act made att the Same Assembly Intituled an Act for the Conveyance of all Letters Concerning the State an Publique Affaires One other Act made att a Generall Assembly held att S^{t} Marie's the ffirst day of Aprill 1662 Intituled an Act Concerning those Servants that have Bastards one other Act made att the Same Assembly Intituled an Act for the Publicac$\bar{o}$n of Marriages One other Act made att the Same Assembly Intituled an Act for the Paym^{t} of ffees due from Criminall Persons An Act concerning Proceedings att Law made att the Same Assembly One other Act made att the Same Assembly Intituled An Act Concerning Taxable ꝑsons One other Act made att the Same Assembly Intituled an Act Imposing a ffee on them who shall be married one other Act made at the Same Assembly Intituled an Act Concerning Indians One other Act made att the Same Assembly Intituled an Act Concerning the Secretary and an Addic$\bar{o}$n to his ffees (Except this Change in the Said Act (vizt) That the Secretary of this Province shall send to each Respective County Court within this Province all the Lawes in fforce with the Lesser Seale Affixed to them for the w^{ch} Each Respective County shall pay to the Said Secretary One Thousand Pounds of Casked Tobacco) which is not to stand Revived One other Act made att a Generall Assembly held att S^{t} Maries the fifteenth day of September Anno d$\bar{o}$m 1663 and there Continued till Saturday the Third day of October ffollowing and thence Adiourned vntill the Second Tewsday in September 1664 Prohibiting Arrests on the Sabbath dayes or dayes of Generall Mustering & Trayning An Act made at the Same Assembly Intituled an Act Enioyning Sherriffes to take Bayle One other Act made att the Same Assembly Intituled an Act for Amerciam^{ts} in the Provinciall and County Courts One other Act made att the Same Assembly Intituled an Act for the Preservac$\bar{o}$n of Orphanes Estates with this Addic$\bar{o}$n of the word (such) where it begins that all wills & it be that all Last wills & One other Act made att the Same Assembly Intituled an Act for the Leaviing the Survey^{r} Gener^{ll} ffees One other Act made at the Same Assembly Intituled an Act for Appoynting a Publique Notary One other Act made att the Same Assembly Intituled an Act Prohibiting Tradeing and gaming with Servants One other Act made att a Gen^{ll} Assembly held att S^{t} Maries on the dayes Last before Recited Intituled an Act Addic$\bar{o}$nall to an Act Intituled an Act for the payment of ffees due from Criminall Persons One other Act made att a Generall Assembly held att S^{t} Maries the Tenth of Aprill 1666 Intituled an Act Prohibiting Trade with any Indians for any fflesh dead or alive Except dear and wild ffowle One other Act made att the Same Assembly Intituled an Act for giving passes to ꝑsons

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that dep^t this Province One other Act made att the Same Assembly Intituled an Act Lymiting Servants Times One other Act made att a Generall Assembly held att S^t Maries the Thirteenth day of Aprill 1669 Intituled for the Revival & amendment of an Act Intituled an Addic$\bar{o}$nall Act to an Act concerning the paym^t of ffees due from Criminall persons One other Act made att the Same Assembly Intituled an Act Providing against Sherriffes Taking Excessive ffees One other Act made att the Same Assembly Intituled an Act appointing Court dayes in each Respective County within this Province One other Act made att the Same Assembly Intituled an Act providing what shall be good Evidence to pve fforreigne debts One other Act made att the Same Assembly Intituled an Act for marking of High waies and making the Heads of Rivers Creekes Branches and Swampes Passable for Horse & ffoot One other Act made att the Same Assembly Intituled an Act to Avoid double paym^t of debts One other Act made att the Same Assembly Intituled an Act Limiting the Extent of Attachm^ts & Execuc$\bar{o}$ns and Providing what shall be Leavied vppon Attachm^ts & Execuc$\bar{o}$ns One other Act made att the Same Assembly Intituled an Act for the Providing of Sufficient ffraight and Carriage for the Proper goods and Comodities of his Lor$\bar{p}$p the Lord Propri^ty and of the Governo^r of this Province for the Time being One other Act made att the Same Assembly Intituled an Act for Limitac$\bar{o}$n of Certaine acc$\bar{o}$ns for avoiding of Suites att Law And one other Act made att the Same Assembly Intituled an Act Lymiting Ordinary Keepers and the Same Acts and Every of them are hereby Revived and Continued for the Terme of Three yeares or to the End of the next Generall Assembly which shall ffirst happen.

An Act for the Coron^rs ffees

Forasmuch as the office of Coroners in this Province is A Place of great Trouble and Charge to the officer in the Execuc$\bar{o}$n thereof and the ffee of the Coran^r being by the statutes of England soe Small & Inconsiderable that it will not Countervaile by much the Charges in Executing the Same and the ffees by the statutes being in mony which is not possible att all times to be held or Rec^d in this Province And there being noe certaine ffee as yet settled or Provided for the Coroners of this Province nor by whom the Same shall or may be paid Nor is there as yet any Law in this Province for Setling any ffees to and vpon the Said Coro^rs ffor the arresting or Sumoning of any Persons any of the Cases where the sherriffe of any County is Either Pl^t or defd^t in any Suite or acc$\bar{o}$n

begunn or ꝑsented in any the Courts of this Province To the Intent the said ffees may be Setled and ascertained And that Coror̄s of this Province may be the better Enabled to attend the dew Execucō̄ of the Said office of Coron̄r Bee it Enacted by the Right Honoble the Lord Propr̄s of this Province by and with the Advice and Consent of the vpper and Lower house of this Present Genll Assembly That from and after the Publicacō̄ hereof there Shall be paid and allowed to the Severall and Respective Coron̄rs within this Province the ffee of Two hundred and fifty pounds of Tobacco for their viewing the bodyes of any ꝑson or ꝑsons murthered Slayne drownded or otherwise dead by Misadventure to be paid and allowed to them the Said Severall and Respective Coron̄rs out of the goods or Chatles of the Person Murthered or Slayne (if they have any) If they have not wherewith to pay the Same ffees Then out of the County Leavyes to be Leavyed by the Comission̄r of the Severall and Respective County Courts Any Law Custome or vsage to the Contrarie Notwithstanding And the Said Coron̄rs are hereby Authorized & Empowred to take and Receive for their ffees for the Arresting or Summoning of any Sheriffe within this Province Sued or Presented in any Court of this Province and for Taking Security of Such Sheriffes for his appearance the Sume of fforty pounds of Tobacco and no more And for the Arresting Sumoning or Attaching any other Person or ꝑsons whatsoever wherein the Sheriff is Plant. Such ffees as are allowed to be taken by the Severall Sheriffes of this Province and noe more vnder the Penalty of one Thousand Pounds of Tobacco for Every Such Offence The one halfe thereof to be paid to the Right Honobl the Lord Propr̄s And the other moyty to the Party grieved to be Receved in any Court of Record within this Province wherein noe Essoyne Protecō̄ or wager of Law to be allowed And whereas by the Neglect of the Said Coror̄s the Bodyes of Severall Persons lye Long above ground vnburied To the great Enoyance of Severall the good People of this Province Bee it therefore Enacted and Ordeyned by the Authority aforesaid that vppon A Request made To any Coron̄rs within this Province to Come and Enquire of the death of any Person Slaine drownd or otherwise dead by Misadventure the said Coroners doe his office diligently vppon the view of the Body of Every Such ꝑson or ꝑsons without taking any other ffee then as aforesaid vppon paine to Every Coron̄r thⁱ will not Endeavour to doe his office as aforesaid Or take any other or greater ffee Gratuity or Reward for the Same then as aforesaid the Sume of one Thousand pounds of Tobacco the one Moyty to the Lord Propr̄y and the other to the Informer or him or them thⁱ shall Sue for the Same to be Recovered as aforesaid This Act to

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Endure for Three years or to the End of the next Generall Assembly.

An Explanacōn of Two Clauses in an Act Entituled An Act for the Clks ffees and Allowance for Iurors in Civill Causes with an Addicōn of A ffee to the Seale of Each Respective County.

Whereas in the aforesaid Act all Clerks in the County Co^{ts} are allowed a ffee of Eight pounds of Tobacco for drawing any matter to be put vppon Record by Collo^{r} of which Such Clerkes doe Exact and Receive the Same ffee for Every distinct matter or thing Entred in their Booke of Rufe draughts (when as the Same is not intended by the Said Act) To the great grievance of Severall the Inhabitants of this Province ffor prevention whereof for the ffuture noe Clke whatsoever within this Province Shall henceforward demand or Receive any ffee for any matter or thing to be Entred on his Said booke of Ruffe draughts und^{r} Such Penalties and forfeitures as in the Said Act is declared any Law Custome or vsage to the Contrarie Notwithstanding And whereas an Extraordinary ffee is demanded and Required by Such Persons That have the Custody or keeping of the Severall and Respective County Seales within this Province It is hereby Enacted And be itt Enacted by the Authority in the fforesaid Act Expressed That the Severall and Respective County Clerkes of this Province or Such other Person to whom the Custody of the Seale of any County within this Province is or shall be Comitted be allowed only ffive pounds of Tobacco for the Sealing of any writt warr^{t} or other Instrum^{t} to be passed vnder the Same vnder the Penalties and fforfeitures in the aforesaid Act mencōned and Conteyned And further whereas in the Said Act noe Clerke is Enioyned to observe the Same Butt Such as doe belong to the Respective County Co^{ts} within this Province It is hereby declared and intended That as well the Clerke of the Provinciall Co^{t} for the Time being as all and Every the Clerkes of all and every the Respective County Co^{ts} within this Province is hereby Encluded within the Same Act And the Said Clerke of the Provinciall Court is hereby Enioyned to Observe performe fullfill and keepe all and Every the Perticulars Relating vnto Clks ffees and in the Said Act Conteyned to all intents and purposes as if he had att the Time of making the Said Law beene therein Nominated and Enioyned vnder Such Penalties and fforfeitures as in the Same is Expressed declared and Sett downe Any thing in the Said Act to the Contrarie thereof notwithstanding.

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An Act for the Setling the Rates & Prizes in mony of all wynes Liquors and other Comodities Sould by Retayle within this Province

fforasmuch as divers and Sundry greivous Compl^ts have beene made of the great abuses Comitted by the Severall Ordinary Keepers and Innholders within this Province against severall of the good People of this Province whoe have of late denyed and Refused to give Entertainm^t to all or most of the good People of this Province Coming and Resorting to their or any of their howse or Howses or to lett them have Creddit for Such necessary Accomodacōns as they Stood in need of and had occasion for in Tobaccoes att the Rates and Prizes Lymitted and appointed to be paid to and Rec^d by Such Ordinary Keepers or Inholders (by one Act Intituled an Act Lymitting Ordinary Keepers) as fformerly was vsed and accustomed vnless Such Person or Persons Soe Coming and Resorting to their Severall and Respective howses as aforesaid did pay Ready mony for Such wines Victuals and other necesary Accomodacōns whereby Severall of the good People of this Province Espēcially Such as have att any Time had Occasion or were Necessitated to Come to the Provinciall Court as Iurors Witnesses and other Persons that have busines att the Said Court And att the Secretary's Office att S^t Maries not having Ready mony have for want of Such necessary accomodacōns and Creddit as aforesaid been putt to very great Inconveniences to the Endangering their Healths And forāsmuch as there is as yet noe Law for Lymitting the Prizes of wines and other Comodyties Sould by Ordinary Keepers and Inhould^rs for which Ready mony is to be paid of which the Said Ordinary Keepers and Inhold^rs taking Advantage they have most vnconcionably Exacted & demanded of Such Person and Persons who had Ready mony to pay for such necessary accomidacōns as aforesaid And the Said Inhabitants of this Province have beene Compelled to pay and the Said Ordinary Keepers and Inholders have taken & Rec^d Ready mony for their Said wines and other Comodities att very Excessive and vnreasonable Rates and Prizes to the great damage and preiudice of the good People of this Province for the Remedy and Redresse whereof for the ffuture Bee it Enacted and Ordained by the Right Hono^bl the Lord and Proprietary of this Province by and with the Advice and Consent of the vpper and Lower Howses of this p^rsent Genll Assembly And the Authority of the Same That from henceforward noe Ordinarie Keeper Inholde^r or other Person whatsoever within this Province keeping an Ordinary victualling house or howse of Entertainm^t within this

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Province shall sell vtter or vend or be allowed for any the wines Liquors and other Comodities and necessary Accomodacõns by them or any of them hereafter Sold to any ꝑson or ꝑsons whatsoever within this Province and for which Ready mony shal be paid and Tendered to be paid above the Rates and Prizes in money hereafter mencõned Sett downe and Expressed (to witt) for Brandy Tenn shillings by the gallon, for dutch dramms Six Shillings by the gallon English dramms Tenn shillings by the gallon Rumm Six Shillings by the gallon Canary Twelve shillings by the gallon Malago Tenn shillings by the gallon all manner of ffrench wynes Six Shillings by the gallon Rhenish wines Six Shillings by the gallon Madera ffiall Porto Port & other Portugall wynes Six Shillings by the gallon Sherry Tenn Shillings by the gallon ffor any strong Beer or Ale made within this Province of malt of the growth of this Province and Brued within this Province Two shillings by the gallon Beare made of fforreigne Mault or Brued in fforreigne Parts one shilling and Six pence ꝑ gallon Syder Perry and Quince drink of the growth of this Province one shilling six pence ꝑ gallon if of fforreigne growth one shilling ꝑ gallon for mumm Three shillings by the gallon for dyett one shilling by the meale for good Lodging to any ꝑson accomodated with a Bed Six pence by the night for Muscavado Sugar Eight pence by the pound for Refined white Sugar Sixteene pence by the pound And the like Rates Every Ordinary Keeper and Inholder is hereby Enioyned to observe for A greater or Lesser Quantity of the aforesaid Rates and Prizes in ready mony of drink and other accomodacõns and shall not directly or indirectly take demand Receive exact or be allowed in mony more than the Lymitacõn before Specified which is not intended by this act to be mony Sterling but in Such Coynes and Soe Advanced as by an Act made this ꝑsent Genll Assembly is in that Case made and Provided Intituled an Act for the Advancement of fforreigne Coynes within this Province And be it also Enacted and ordeined by the Authority aforesaid That every Ordinary Keeper or Inholdr or other victualler within this Province keeping a house of Entertainmt that shall directly or indirectly Exact in mony more Either for drink dyett Lodging or other necessary accomadacõns then what is herein Specified and allowed them in mony advanced as aforesaid shall not only Loose every Such debt as shall by Suficcient proofe appear to be uniustly Charged Contrarie to the True intent & meaning of this Act but also forfeit ffive hundred pounds of Tobacco The one halfe to the Lord Propr and the other halfe to him or them thr shall Sue for the Same in any Court of Record within this Province wherein noe Essoyne Protection or

wager of Lawe to be allowed And fforasmuch as mony att pr̄sent is verry scarse and hard to come by within this Province It is hereby Likewise ffurther Ordained & Enacted That it shall and may be Lawfull to and for any p̄son or p̄sons Inhabitants Resyants or howse keepers within this Province or to and for any other p̄son or p̄sons whatsoever not a howse keeper within this Province to make Satisfaccō for any Such debts by them made and Contracted att the Ordinaries or Inholdrs howses as aforesaid Either in Tobacco or in Ready moneys att his and their wills and discretions And whereas divers the good People of this Province are Necessitated to come downe to the Citty of St Maries as Iurors and witnesses and to the Secretaries office and to attend at the Genll Assemblyes which are Comonly held att the Said Citty of St Maries for the Encowragmt of any p̄son & Persons that shall hereafter keepe Ordinary or shall builde any howse or howses in the Said Citty of St Maries vppon the Towne land Comonly Called St Maries ffeild and Conteyning one hundred Acres and keepe Ordinary or Ordinairies therein to give Entertainmt to Such p̄son or p̄sons Inhabitants and howse keepers within this Province as Iurors witnesses and otherwise having buisnes att the Provinciall Court and Secretaries office as aforesaid Every Such p̄son or p̄sons Ordinary keepers & Inholdrs as aforesaid Shall and may vppon the denyall & Refusall or delay of paymt for the debts made and Contracted by such Iurors witnesses or other p̄sons coming to the Provinciall Cort and having busines there and att the Secretaries office as aforesaid (Soe as the Said debts doe not Excede for Two meales of meat by the day One potle of strong bear by the day and Sufficient Lodging att Night att the Rates and Prises before Lymitted in money or Tobaccos) vppon Oath made of the Truth of Such Ordinary Keepers Bookes of of account for Such accomadacōns as aforesaid before One of the Iustices of the Provinciall Cort have Receive take and Sue out Execucōn for Such debts as if they or any of them had Really brought their or any their Accōns for the Same in any Court and had gott and obteyned Iudgment therevppon any Law or Custome to the Contrarie in any wise notwithstanding Provided allwayes that noe Ordinary Keeper within this Province shall at any Time Charge any thing to account for Boles of Punch or any other Quantity of meat drink but shall only Sell the Severall Ingredients to the Said mixture according to the Rates before in this Act Ascertained and allowed vppon paine of ffive hundred pounds of Tobacco for Each offense Comitted over and above the full value of the Punch or other mixed Liquors So charged to account, Provided also that all Ordinary Keepers where any County Corts are kept and Ordinary Keepers in any the Corpo-

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racōns within this Province shall have Execucōn for Such debts as by this Act is allowed to any ordinary Keeper within the Citty of S^{t} Maries as well as vppon the Towne Land This Act to Endure for Three yeares or to the End of the next Gen^{ll} Assembly which shall ffirst happen

An Act ag^{t} Runnawayes
and Such Persons That shall give them
Entertainm^{t} and others that shall
Travell without Passes

Whereas there was an Act Provided ag^{t} Servants Runnawayes made in the yeare 1650 And another Act made in the yeare 1662 as also an other Act made in the yeare 1666 which Said Three Acts hath hitherto Proved in Effectuall in Regard they doe not Sufficiently Provide an Encouragm^{t} for Such Person or Persons Inhabitants within this Province as Shall Seize Such Runnaway Servants by this Act deemed Runnawaies Therefore for the better discovery Seizing and Apprehending of Such Runnawayes as aforesaid Bee it Enacted by the R^{t} Hono^{bl} the Lord Proprietary by and with the Consent of the vpper and Lower howse of this Present Gen^{ll} Assembly That from and after the Publicacōn hereof noe Servant or Servants whatsoever within this Province Shall Travell by Land or water Tenn miles from the Howse of his or their Master Mistris or dame without a Note vnd^{r} their hands or vnder the hand of his or Their Overseer (if any be) vnd^{r} the Paine of being taken for a Runnaway And to Suffer Such Penaltyes as are hereafter Provided against Runnawayes And it is hereby ffurther Enacted by the Authority aforesaid That any Serv^{t} or Serv^{ts} whatsoever vnlawfully absenting him or themselves from his or their Said Master Mistris dame or Overseer Shall serve Tenn dayes for Every one dayes absence To be adiudged when Such Master Mistris or dame shall bring their Said Servant before the Iustices of the Provinciall or County Co^{rts} where the Owner of such Servant shall Live during the Sitting of the Court Bee it before or after the Expiracōn of Such Servants ffirst time of Service by Indenture or otherwise And be it ffurther Enacted by the Authority aforesaid That any Person or Persons whatsoever within this Province th^{t} wittingly or willingly deteyne any Such Serv^{t} or Serv^{ts} vnlawfully absenting him or themselves as aforesaid shall be ffined 500^{lb} of Tob. for Every night or ffowre and Twenty houres That Such Person or psons shall give Entertainm^{t} to Such Servant or Serv^{ts} One halfe to the Lord Proprietary And the other halfe to the Informer or him or them that shall sue for the Same To be Recovered in any

Co^{rt} of Record within this Province by accon of debt bill plaint or Informacõn wherein noe Essoyne Protecc̃on or wager of Law to be allowed And for the better discovery of Runnawayes It is hereby ffurther Enacted by the Said Authority That any ꝑson or ꝑsons whatsoever within this Province Travelling out of the County where he shee or they shall Live or Resyde without A pass vnd^{r} the Seale of the Said County for which they are to pay Tenn pounds of Tobacco or one shilling in mony Such ꝑson or ꝑsons if Apprehended not being Sufficiently knowne or able to give A good Accomp^{t} of himselfe To be left to the discrecõn and Iudgm^{t} of Such Magistrate before whome Such Person as aforesaid shall be Brought to Iudge thereof if before Such Magistrate or Magistrates brought Shall be deemed and Taken as A Runnaway and Suffer Such ffines & Penaltyes as is hereby Provided against Runnawayes And for the better Encouragm^{t} of all Persons to Seize and take vpp Such Runnawayes It is by the Authority aforesaid Enacted That all and Every Person & ꝑsons Apprehending Seizing & taking vpp Such Runnawayes & Persons Travelling without Passes as aforesaid And not being able to give a Sufficient accompt of themselves as Aforesaid Shall have & Receive Two hundred pounds of Tobacco To be paid by the Owner of Such Runnawaye Soe Apprehended and Taken vpp (if a Serv^{t}) And if a ffreemen and Refusing to pay the Same then to make Satisfaccõn by Servitude or otherwise as the Iustices of the Provinciall or County Courts where Such Person shall be Soe Apprehended & taken vpp Shall thinke fitt And ffurther for the better discovery & Encouragm^{t} of our Neighbor Indians to Seize and Apprehend Runnawayes It is hereby ffurther Enacted that any Indian or Indians which shall Apprehend Seize or take vpp any Runnaway Servant & bring them before Some Magistrate of any County within this Province shall for his Reward have a match Coate paid him or the vallue thereof which Said Reward is to be Repaid and Satisfied by the County where Such Person shall be Apprehended & Such Runnaway to Reimburse the Said County by Servitude or otherwise as the Iustices of the Provinciall or County Court shall thinke fitt And be itt ffurther Enacted by the Authority aforesaid That att what Times Soe Ever any of the aforesaid Persons Runnawayes Shall be Soe Seized by any ꝑson or ꝑsons within this Province Such ꝑson or ꝑsons Soe Seizing and Apprehending the Same Shall bringe or Cause him or them to be brought before the next Magistrate or Iustice of the County where Such Runnaway is Apprehended whoe is hereby Empowred to take into his Custody or otherwise him or them to Secure & dispose of as they shall thinke fitt vntill Such Person or ꝑsons Seized or Apprehended Shall give Sufficient Security to answer the

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pʳmisses the next Court thᵗ shall ffirst Ensue in the Said County whoe are to Secure Such pson or psons vntill he or they shall make Satisfaccon to the pty thᵗ shall Soe Apprehend or Seize Such Runnaway or other pson as by this Act is Required Except Such Person Shall make Satisfaccon as aforesaid before such Court shall happen And thᵗ Notice may be Conveniently given to the Master Mistris or dame of any Runnaway taken vpp as aforesaid The Iustice of the Peace or Comissioner of the County Court Shall forthwith Cause a Note of the Said Runnawayes Name Soe Signed and Apprehended as aforesaid to be Sett vpp att the County Coᵘᵗ where Such pty is Seized and Apprehended And also Cause a note to be Sett vpp att the next Adiacent County Courts And att the Provinciall Coᵘᵗˢ or Secretaries office That all psons may view the Same and See where Such their Servants are And in whose Custody And it is hereby Enacted by the Authority aforesaid That the Said Thre Acts against Runnaways aforemencōned as also one other Act made att a Genᴴ Assembly held the 13ᵗʰ day of Aprill 1669 Entituled an Act for Preventing Servants & Criminall psons from Runing out of this Province be Repealed and is hereby vtterly Repealed for Ever This Act to Endure for Three years or to the End of the next Genᴴ Assembly

An Act for the Encouragmᵗ of the sowing and making of Hemp and fflax

The vpper and Lower Howses of this Present Genᴴ Assembly having taken into their Serious Consideracon the great Quantities of Linnen Cloth and other wares & Comodities wrought by manuell Occupacon which are brought from fforreigne Places into and Spent in this Province and that the Inhabitants of this Province for lack of the Like Pollicy and Industry about the inventing Practising and Putting in Exercise the making of Linning Cloth as is done in other Countries to the great ffurtherance and advancemᵗ of their Comon Wealth) are Compelled to buy all the Said Linning Cloth that is So Spent and Consumed in this Province Amounting to vast Sumes of mony and Quantities of Tobacco and Considering the great Benefitt and Advantage that by the Sowing of Lineseed otherwise Called fflax seed and Hemp seed and the Spinning weaving & making of Linnen Cloth will accrue to this Province And being willing to give all the Encouragmᵗ that may be to any pson or psons whatsoever that will sowe the Seed and make the fflax or hemp or Spinn or weave the Same doe Humbly pray thᵗ it may be Enacted And be it Enacted by the Right Honoᵇˡ the Lord & Proprietary of this Province By

and with the Advice & Consent of the vpper & Lower Howses of this p^r^sent Generall Assembly and by the Authority of the Same That from and after the ffirst day of Ianuary next Comeing if any p^r^son or p^r^sons whatsoever Inhabitant within this Province and having a Plantac$\bar{o}$n Seated Shall and will by himselfe or his Servants or any other by him Imployed or hyred Cause or Procure to be tilled any Quantity of ground or Land vppon his or their Plantac$\bar{o}$n aforesaid and therevppon Sowe any Lyneseed otherwise called fflax Seed or Hemp Seed and shall vppon Reaping the Cropp of Such Tilling and Sowing Cause the Said Cropp of flax or hemp to be Brakt Swingled & made Merchantable ffitt for Sale Such Person or Persons Inhabitants within this Province and having a Seated Plantac$\bar{o}$n as aforesaid shall for those Two yeares after the said ffirst day of Ianuary next for his and their Encouragm^t^ in Soe good a work demand have & Receive the Sume or Quantity of one hundred pounds of Tobacco for Every one hundred pound of hemp or fflax Soe by him or them Sowed Brakt Swingled or made Merchantable and fitt for Sayle or cawsed to be Sowen Brakt Swingled and made Merchantable and ffitt for Sayle as aforesaid and Soe proportionably after that Rate for any greater Quantity to be paid vnto him or them by the Com^rs^ of the Severall and Respective County Co^rts^ and Reased out of the County Leavies of the Respective Counties where such fflax or Hemp shall be Sowen brakt swingled or made as aforesd Provided such Person or p^r^sons making such fflax or hemp as aforesaid shall by p^r^ducing the Same to the Comissio^r^ of the Said County Courts or to any other p^r^son or p^r^sons by them from Time to Time to be Appointed or by any othe wayes or meanes whatsoever Satisfie and make it appeare to the Said Com^r^ of the Said Severall & Respective County Courts that he or they or his or their Servants have made or caused to be made any or Such Quantity of fflax or hemp not vnder one hundred pounds weight) and Soe brakt Swingeld made merchantable and ffitt for Sayle as aforesaid

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Provided allwaies and it is the True intent & meaning of this Act that Such Person or Persons Inhabitant within this Province and keeping a Plantac$\bar{o}$n and Cawsing Such fflax or Hempseed to be Sowen and Such fflax and Hemp to be made as aforesaid Shall notwithstanding the said Paym^t^ of one hundred pounds of Tobacco for Every hundred pounds of fflax and Hemp made as aforesaid be att Liberty to make vse of sell and dispose of Such his or their fflax or hemp Soe made as aforesaid as he or they shall think fitt And to the intent that Every p^r^son or p^r^sons Soe Sowing and making hemp and fflax as aforesaid may be the Rather Encouraged to Sow and make Considerable Quantities thereof it is hereby declared That noe p^r^son or p^r^sons In-

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habiting within this Province and having a Seated Plantacōn as aforesaid Shall have or Receive any Tobacco for any Quantity of fflax or Hemp Soe Sowed or made as aforesaid vnd^r the Quantity of one hundred pounds of Hemp or fflax And it is ffurther Ordeined & Enacted by the Authority aforesaid That if any ꝑson or ꝑsons Soe Sowing and making Such fflax or Hemp as aforesaid Shall not have Reaped or made the Quantity of one hundred pounds of fflax or hemp as aforesaid and that Buy or Borrow of any Person or ꝑsons whatsoever Such and Soe much fflax or Hempp as may make vpp the Said Quantity of one hundred weight thereby to Capacitate him to Ask demand or Receive of or from the Said Com^rs of the Said County Courts the Said Sume of One hundred pound of Tobacco for Every hunds weight of fflax or hemp Such Buyer or Seller And Every or any ꝑson demanding Tobaccoes Att that Rate for any fflax or hemp not by them or their Servants Sowed and made as aforesaid vppon their owne Plantacōns shall for Every Such offence pay and fforfeit the Sume of one Thousand pounds of Tobacco the One halfe to the Lord Prop^rs and the other Moyty to him or them th^t shall Sue for the Same in any Court of Record within this Province wherein no Essoyne Protecōn or wager of Law to be allowed.

An Act for the Paym^t of the Publique Charge of the Province

Whereas there are Severall Sumes of Tobacco due to Severall Persons from the Province as by accompt herevnto annexed att Large appeareth Amounting in the whole to Eighty Three Thousand nine hundred fforty Two pounds of Tobacco as also Twenty One Thousand Two hundred and Nine pounds of Tobacco To the Severall delegates from the Severall Counties for th^r Severall Expenses att S^t Maries during this Assembly besides what they have for their Boates or other Necessary Expenses in Coming downe to the Assembly Bee it Enacted By the Right Hono^ble the Lord Prop^rs by and with the Advice & Consent of this ꝑ^rsent Generall Assembly That the Said Sume of Eighty Three Thousand Nine hundred fforty and Two pounds of Tobacco due as by accompt herevnto Annexed bee Levied by Equall Asessment vppon the Persons and Estates of the Inhabitants of this Province and paid vnto the Severall Persons and in ꝑportions as in the accompt herevnto Annexed as also the Said Sume of Twenty One Thousand Two hundred & Nine pounds of Tobacco vppon the Severall Counties and in the ꝑporcōns in the accompt herevnto Annexed To be paid to the Severall & Respective delegates Serving in this Assembly for the Severall & Respective Countyes in the Accompt Aforesaid Specified

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An Act for paym^t of the Publique Charge of this Province

Bee it Enacted by the Right Hono^ble the Lord Proprietary by and with the Advice and Consent of the vpper & Lower howses of this p^rsent Gen^ll Assembly That whereas there was Severall Sumes of Tobacco due from the Publique to the Severall Inhabitants of the Respective Counties hereafter men-cōned To be Leavied by an Equal Assesment this p^rsent yeare and to be paid as followeth (viz^t)

To S^t Maries County	℔ Tob:
To Leiveten^t Colonall Jarbo	6380
To Daniell Ienifer for Iurors Expenses	3257
To Richard Moy	8736
To the Chancello^r for Shooes	2000
	20373
To the Chancello^r for the Lawes & Coppy of Proceedings	2700
To Daniell Ienifer for the standard	1600
To Daniell Ienifer for the Burgesses Expenses	2411

To Kent County	
To Sarah Toulson	1337
To the Chancello^r for the Lawes & Coppy of ꝑceedings	2700
To Robert Dunn for the standard	1600
To Daniell Ienifer for the Burgesses Expenses	1237

To Ann Arundell County	℔ Tob.
To Thomas Cole	0223
To the Chancello^r for the Lawes & Coppy of ꝑceedings	2700
To Thomas Taylor for the Standard	1600
To Daniell Ienifer for the Burgesses Expenses	3440

To Calvert County	℔
To Richard Keene	0400
To Thomas Trueman Esq^r	0750
To Georg Beckwith	1000
To Richard Smith	0570
To the Orphanes of Iames Milliken	0450
To Charles Botelor	0570
	3740

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To the Chancellor for a Coppy of the Lawes and Proceedings	2700
To Charles Brookes for a Standard	1600
To Daniell Ienifer for the Burgis Expenses	4307

To Charles County

To the Chancellor for a Coppy of the Lawes & pceedings	2700
To Henry Adams for A Standard	1600
To Daniell Ienifer for the Burgisses Expenses	2648

To Baltemore County

To Capt Thomas Howell	1090
To the Cahncellor for the Lawes & Coppy of pceedings	2700
To Iohn vanhack for a standard	1600
to Daniell Ienifer for Burgisses Expenses	2123

To Talbot County

To Capt Richard Lee	0600
To Iohn Chaste	1200
	1800
To the Chancellor for the Lawes & Coppy of pceedings	2700
To William Hambleton for A standard	1600
To Daniell Ienifer for Burgesses Expenses	2737

To Somerset County

	lib
To the Chancellor for the Lawes & Coppy of pceedings	2700
To William Stevens for the Standard	1600
To Daniell Inefer for Burgisses Expenses	1135

To Dorchester County

To the Chancellor for the Lawes & Coppy of pceedings	2700
To Daniell Clerke for the Standard	1600
To Daniell Ienifer for Burgesses Expenses	1171

Debts due from the Publique

To the Publique Charge of the vpper & Lower howses	40048
To the Clerks of the vpper & Lower howses Each 300lbs of Tobacco	06000
To the door keepers of both howses Each 600lb of Tob	01200
To Thomas Cakewood for Ingrosing of the Lawes	00500
To St Maries County	20373
To Kent County	01337
To Ann Arunndell County	00223

To Calvert County	03740	P. R. O. Colonial Entry Book No. 53
To Baltemore County	01090	
To Talbot County	01800	
	76311	
To the Severall Sheriffes for Collecc$\bar{o}$n	−7631	
	83942	

To the Severall Countyes Charges ffor the Burgesses

To S^{t} Maries County	2411
To Kent County	1237
To Ann Arunndell County	3440
To Calvert County	4307
To Charles County	2648
To Baltemore County	2123
To Talbot County	2737
To Somerset County	1135
To Dorchester County	1171
	21209

An Act for the Enrollment of Conveyances and Securing the Estates of Purchasers

For the better Establishment of A way and method of Conveying of Mannors Lands Tenem^{ts} & Hereditam^{ts} wthin this Province for the ffuture and for the avoiding of all abuses and deceipts in incumbring Estates by Mortgages and otherwise by the owners of Lands & Hereditam^{ts} to the p^{r}iudice of Purchasers for valuable Consideracō̄ns and Such as Lend their moneys vppon Reall Securities Bee it Enacted by his Lorp̄p the Lord and Proprietary of this Province by and with the advice and consent of the vpper and Lower howse of this p^{r}sent Assembly That from and after the Twenty Ninth day of September now next coming no Manno^{r} Lorp̄ps Lands Tenem^{ts} or Hereditam^{ts} whatsoever within this Province or any the Lands Ilands Territories or Places therevnto Belonging Shall passe alter or change from one to another whereby the Estate of Inheritance or or ffree hold or any Estate for yeares (other then Such vpon which the Improved yearly Rents Shal be Reserved to be yearly paid) shal be made to take Effect in any Person or p̄sons or any vse or Trust Thereof Except the deed or deeds Conveyance or Conveyances by which the Same Shal be intended to pass alter or Change be made by writing Indented and Sealed and th^{t} the Same be Acknowledged in the Provin-

P. R. O. Colonial Entry Book No. 53

ciall Court of this Province or before Two of the Privy Councill of this Province or in the Court of the Same County or before Two of the Iustices of the Peace of the Same County where the Same Mannors Lorpps Lands Tenemts & Hereditamts doe Lye And be Enrolled or the Substance of the Same (that is to Say) the Certaine dates and the Names Surnames and Adycons of the Parties therevnto with the Certaine Consideracons for which the Same are made And the Certainty of the prmisses and of the Estate and Estates thereby intended to pass be Enrolled in the Provinciall Court of this Province or in the County Cort where the Land doth Lye the Same Enrollmt to be made with in Six months next after the date of the Same writings indented ffor the Capcon of which Said Acknowledgmt there Shal be paid to the Parties taking the Same the Sume of Twelve pence sterling and no more and for which Said Enrollmt And for which Said Enrollmt there Shal be paid to the Clerke of the Said Provinciall Court or County Court in Case the Same doe not Exceed halfe a side of A ffolio Leafe in the Record Booke where the Same Shal be Enrolled the Sume of Eight pence only And if the Same doe Exceede halfe of a Syde of Such ffolio Leafe then the Sume of Sixteene pence and Soe after the Rate of Sixteene pence for Every Side of Such folio Leafe which Such Enrollment shall take vpp And that the Said Clerke of the Said Court Shall well and Sufficiently Enroll the Same with A note of the day whereon the Same shall be Enrolled in A good & Sufficient folio Booke to remaine in the Custody of the Clerke of the Same Court for the Time being amongst the Records of the Same Court To the Intent that Every pty that hath to doe therewith may Resort vnto and See the Same Enrollmt And that the Same Clerke shall on the Back of Every Such deed in A ffull Legible Text hand make a Indorsemt of the day and yeare of Such Enrollment And also of the ffolio of the Booke in which the Same Shall be Soe Enrolled and shall vnto Such Endorsmt Sett his hand

Provided alwaies and it is hereby ffurther Enacted by the Authority aforesaid by and with the advice and consent aforesaid that where the grantor or grantors Bargainors or Bargainors of any Such Mannors Lorpps Lands Tements or Hereditamts Shall happen to be out of this Province And within any the dominions of his Maiestie the King of England att the Time of the Ensealing of Such writing or writings Indented Soe that the Same cannot be Acknowledged in manner and fforme as is before directed or Enrolled within the Time for that purpose herein before Lymitted That in Every Such Case the Acknowledgmt of Such writing or writings before the Cheife Governor or Cheife Governors of any of his Said Maiesties Plantacons or before the mayor or Cheife Magistrate of any

Citty of Towne Corporat within his Said Maiesties dominions And a Certeficat thereof vndr the hand and Seale of Such Cheife Governor or Cheife Governors or vndr the Comon Seale of Such Citty or Towne Corporate annexed and affixed vnto Such writing Indented And the Enrollmt of Such writing Together with Such Certificate in the Provinciall Court before mencōned within Twelve months next after the date of the Same writing Indented Shal be a sufficient acknowledgmt & Enrollmt in the Law to all intents Construccōns & purposes and as Effectuall Avayleable for the passing and Conveying of the Mannors Lorpps Lands Tenemts and Hereditamts thereby intended to be passed or Conveyed as if the Same had beene acknowledged in this Province and Enrolled according to the Intent and direccōns of this Act any thing herein Conteyned before to the Contrarie Notwithstanding P. R. O. Colonial Entry Book No. 53

And be it ffurther Enacted by the Authority aforesaid by and with the advice and consent aforesaid That Every Such writing Indented to be acknowledged & Enrolled as aforesaid Shall have Relacōn as to the passing and Conveying of the prmises and the Estate & Estates thereby Intended to be passed and Conveyed only from the day of the Enrollmt of the Same and not from the day of the date thereof and shal be att all Times Construed and taken most ffavourably & Beneficially for the Benefit and Advantage of the grantee and grantees and more strongly for the barring of the Grantor or Grantors therein to be Named And according to Such Intent as by the words thereof shall appeare to have beene the True Intendmts of the pties Thereunto albeit the Same shall not happen to be drawne & penned in Such Strict fformall manner as is used in England and other Countries where the Advice of Councill Learned in the Lawes of the Country may be Easily had in the drawing and Penning of Instruments of the Like Nature

Provided allwayes tht where any Married Woman or ffeeme Covert shall happen to be Named a Party Grantor in any Such writing Indented the Same shall not be of fforce to barr her or her Haires Except vppon her Acknowledgmt of the Same the pson or psons taking Such her Acknowledgmt Shall Examine her privately and Secretly out of the hearing of her Husband whether Shee doe make Such Acknowledgmt willingly and ffreely and without being induced therevnto by any fforce or Threats vsed by her husband or through ffear of his displeasure And that vppon Such Examinacōn She Shall owne the Said Acknowledgmt to bee ffree and voluntary And that the pson or psons so Examining her Shall in the Note or Certificate of the Capcōn of the said Acknowledgmt Certifie Such her Examinacōn and acknowledgmt therevpon And tht Such Certificate be Likewise Enrolled vppon Record in which Case only

P. R. O. Colonial Entry Book No. 53

Every Such ffeme Covert Shal be barred and not otherwise Any thing herein before conteyned to the Contrarie Notwithstanding

Provided also th^t noe Such writing Indented Shal be att any Time Enrolled within this Province before the Receiver Generall of the Lord and Proprietary of this Province for the Time being or the deputy or deputies of Such Receiver Generall for the Time being Shall Set his or their Recipi or Recipimus therevnto if any ffine for Alienacōn of the Said Lands be due and by the Originall grant Reserved any thing in this Act Conteyned to the Contrarie Notwithstanding

His Lordshipp Willeth these be Laws

Charles Calvert

Memorandum that the Laws before mencōned passed the great Seale the 27^th^ day of May 1671

Philip Calvert Cano^r

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a session held at St. Mary's, October 10–19, 1671.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

At the Assembly Begun & holden at the City of St Marys the 27th day of March in the 39th Year of the Dominion of Cæcilius &ca Annoq Domini 1671 & there continued untill the 19th day of April ensuing and thence prorogued until the 10th day of October following on which day appeared to the Upper House of Assembly— U. H. Journal 1659–98 p. 206

The Right Honourable Charles Calvert Esqr Captain General &ca

The honourable Philip Calvert Esqr
Chancellour

Col. William Calvert. Baker Brookes Esqr Surveyr Genl
Thomas Trueman Esqr. Majr Edwd Fitzherbert

And also upon the same day & presently after appeared as Deputys or Delegates to the Lower House of Assembly viz.

For St Mary's County

Capt Wm Boarman Capt Luke Gardiner & Mr Wm Hatton

Kent County

Arthur Wright & William Bishop

Ann Arundel County

Capt Wm Burgess Cornelius Howard Robt Franklyn appeared 12th Octr

Calvert County

Majr Thomas Brookes Chars Brookes, Richard Perry appeared 13th October Capt Danl Jenifer—

Charles County

Henry Adams Jgnatius Causin & John Bowles

Baltimore County

Capt Thomas Howell 16th October—

Talbot County

Richard Woolman Philemon Lloyd Joseph Weekes & William Hamilton

Somersett County

Paul Marsh & Roger Woolford 13th October

Dorchester County

Daniel Clark 13th October—

City of St Marys p. 207

John Morecroft Recorder Thos Noteley Alderman Elected and returned by Writt Dated 15th September ult.—

U. H. Journal 1659–98

His Excellency having Shewed them the reasons of their Sitting & that in regard Mr Thos Taylor who was Speaker of the sd Lower House the last Session of Assembly had since undertaken a Voyage for England & was not returned into this Province desired them to go to their house & make choice of a new Speaker

And afterwards the sd Lower House of Assembly appeared to this House & being Asked whither they had chosen their Speaker made Answer that they had Elected Mr Thomas Notely who was allowed of by his Excellency

Robt Ridgley was this day admitted Clerk of the Lower house of Assembly Sworn at the opening of this Assembly

The House Adjourned till to Morrow Morning 10 of the Clock

Wednesday 11th October

The House met Present The honble the Chancellr Coll Willm Calvert. Baker Brooke Esqr Thos Truman

The House taking into Consideration upon the motion of Mr Benja Rozer the Vote of the Lower House of the 30th of March last past viz.

Resolved Nemine Contradicente that It is the Opinion & Judgment of the House that the said Assignment according to those Words though only under hand & not Seal was at the time the same was made such a sufficient Conveyance of the sd Two Thousand Acres of Land as was then used in this Country in the Infancy thereof there being at that time few or none more formal or Effectual in the Law here to Convey Land from one to another. And further that It is also the Opinion & Judgment of this House that the sd Lt Wm Lewis did not die Seized or possessed thereof but that the Jnterest of and to the said Land at his Death was according to the sd Assignmt in them the Job: Chandler & Simon Oversee And that the said Assigmt & all others of the like Nature ought to be Confirmed do Concur with the Lower House therein

The House Adjourned till two of the Clock in the Afternoon

The House met again Present as in the morning & Major Fitzherbert

p. 208

Henry Hooper Exhibited his Petition to this House thereby Setting forth that Capt Wm Burgess & the other Delegates, had, to delay the Petition, brought a Writt of Error retornable in this honble House and did not prosecute the Same And therefore he humbly prayed that he might be at Liberty to proceed upon the Judgmt formerly obtained against them

Ordered that the Defend^ts^ or their Attorny have Notice of the Petition and Attend this House to Morrow Morning at 10 of the Clock when the House intends to proceed to a further hearing of the Matter upon the s^d^ Petition U. H. Journal 1659–98

The House Adjourned till to Morrow Morning 10 of the Clock

Thursday 12^th^ October

The House met Present as Yesterday in the Afternoon

Cap^t^ Lloyd informs the House that the Lower House desired this House to appoint some of the Lower House in a Committee to Consider of the amendment & making of certain Laws

Ordered that Baker Brookes & Tho^s^ Trueman Esq^rs^ join with the Members of the Lower House therein—

Hoopers Business was by Consent referred to the Determination of the Governour & Chancellour

The House Adjourned till two of the Clock in the Afternoon

The House met again Present as in the morning
Colonel Calvert & M^r^ Chew

This House received a Copy of some further Jnstructions to be given to the Committee of both Houses for the Amendm^t^ of some other Laws And have Agreed that the said Jnstructions be Considered of by the said Committee

The House Adjourned for half an hour

The House met again Present

The honble the Chancellour Colonel Calvert M^r^ Chew & Major Fitzherbert

Adjourned the House till to Morrow Morning 10 of the Clock

Friday the 13^th^ October

The House met Present The Honble The Chancellour Baker Brookes Tho^s^ Truman Samuel Chew Major Fitzherbert Esq^rs^ p. 209

The upper received from the hands of M^r^ Clark from the Lower House two Votes relating to Orphans Estates Which the house referr to the Consideration of the Committee of both houses & acquainted the Lower house therewith by M^r^ Truman

His Excellency appearing

Upon Petition of the Lower house Ordered that a Writt issue to another Burgess of Dorchester County Burgesses

U. H. Journal 1659–98 already Elected to serve in the Lower House instead of Mr Henry Trippe

The House Adjourned till two of the Clock in the Afternoon

The House met again Present as in the morning & Col Calvert

The House Sent Major Fitzherbert to the Lower House to know whither they had any Bills ready. Who answered that their Committee would attend them in half an hour & then they should give a satisfactory Answer

This House by Baker Brookes Esqr acquainted the Lower house that in regard there have been some English murthered by some Jndians Inhabitants on this side Delaware Bay which Jndians do likewise hunt within this Province at this time & (as it is said) threaten to do mischief within this Province, This House do desire the Lower House to Consider of the way forces shall be raised in Case they do Attempt any thing within this Province Viz.

1. First what number that is whither Every 8th 9th or 10th Man
2. Next how they shall be paid that is whither the eight Nine or ten Men shall maintain the Soldiers Sent out or whither paid by tobo
3. Whither Servants or House Keepers shall be Sent out
4. What pay Officers shall have that must Command them
5. How Provisions shall be raised for their Food for ammunition & arms assoon as the Tax of 2sh p hhd upon tobo is paid The Governour & Council will provide what shall be necessary

Ordered that this be sent to the Lower house & that they be desired to take it speedily in Debate

The House Adjourned till to Morrow Morning 10 of the Clock

Saturday the 14th October

p. 210 The House met Present His Excellency The Chancellour Col Calvert Mr Chew and Major Fitzherbert—

This House received from the Lower House the following Message in writing Viz.

14th October 1671

This House having had Debate concerning appeales from the County Court to the Provincial Court for actions of Debt & Actions of Trespass upon the Case do think fit that no Appeal be allowed where the Action shall not really & Bonâ

fide Exceed the Value of six hundred pounds of Tobacco. Therefore It is ordered that the Consideration thereof be transmitted to the Upper House for their Concurrence therein & they be desired to make return to this House of their result therein U. H. Journal 1659–98

Signed by order of the House
Robt Ridgley Clk of the Lor Hoe of Ass.

Upon debate whereof this House do not think fit to Concur with the Lower house in prohibitting Appeals from the County Court to the Provincial Court in any action whatsoever

This House then received the following Votes from the Lower house in these Words Vizt

14th October 1671

It was debated in this House whither It was necessary for a Ferry to be kept over Patuxent River Yea or no?

Resolved in the Affirmative & at the Charge of the said County and at such place where the said County shall think fit

It was further Voted that all Persons living out of the precincts of the said County shall pay to the man that keepeth the said ferry sixpence Sterling for every Footman that is so transported over the said River & one Shilling Sterling for every Horse & man that is transported over the said River

Ordered that these two votes be Sent to the Upper House for their Consideration and Concurrence & that they be hereby desired to return their speedy answer

Signed by order of the House
Robt Ridgley Clk of the Lowr Hoe of Ass.

Whereupon this House Concur with the Lower house in the votes concerning a Ferry over Patuxent

The Lower house Sent a Bill to this House prohibitting Clerks & Sherriffs to practice as Attornys &ca. p. 211

The Upper House thereupon desired to have these Words Viz. forfeited to the Lord Proprietary may be added to the eleventh line, so that then it will be thus Viz. For every Cause that he shall so plead in the Provincial Court two third parts thereof to be forfeited to the Lord Propry and disposed of for the Use of the publick &c And that the said Words Viz. to the Lord Propry be added to the 22d line and then the Same will run thus Viz. He shall forfeit to the Lord Proprietary for every such Offence the Sum of two thousd pounds of Tobacco two third parts &ca.

The House Adjourned till two of the Clock in the Afternoon

U. H. Journal 1659–98

The House met again Present The honble the Chancellour Coł Calvert Mr Chew & Major Fitzherbert

The Upper House have Considered of the Votes of the Lower House dated the 13th October in Answer to some proposals from this house relating to the pay of Officers & of Soldiers in Case there should be any Cause for raising of Forces for the Security of the Province against the Jndians & are of Opinion that the pay of a Commander in chief by them alotted is so Contemptible that no Man will undertake the Business for that pay

2. That in probability the Captains that are to be Sent out at any time must be House Keepers whose Absence from their Affairs deserves more pay besides their hazards & deserves at least 1000lb tobo p month

3. Jn case more than One hundred men be at any time Sent out they ought not to be Commanded by a Captain but by a Major, And therefore We desire that the house will Consider of what pay Major Lieutent Colonells & Colonells should have if there should be Occasion to send such Officers forth & desired Coł Calvert to acquaint the Lower House who went therewith accordingly

The Upper House Concur with the Lower house in relation to the disposition of the Fine mentioned in the Bill prohibiting Clerks and Sherriffs &ca. except in maintenance of Bastards

The House Adjourned till 10 of the Clock upon Monday Morning 16th of October

The House met Present His Excellency The honble the Chancellour Baker Brooke & Mr Chew

p. 212 The Lower House Sent the following Vote to this House Viz. Monday 16th October 1671.

The Answer of the Lower House to the within paper from the Upper House viz.

Upon the reassuming the debate touching Officers pay they Vote as followeth Viz.—

That a Commander in chief in the Field have two thousand pounds of tobo p month if the Party to be sent out Exceed one hundred persons

A Lieut Collonel	1400	of Tobacco Each p Month
A Major	1200	
A Captain	1000	
A Lieutenant	700	
An Ensign	600	
A Sergeant	400	
A Corporal	400	

And further if the Forces to be sent out from time to time Exceed not one hundred then no Lieutent Colonell or Majors pay to be Allowed and that the sd L: Colonell or Major's pay be not allowed in case the party that is sent out amount not to two hundred And that the Officers from time to time to whom this Pay is allowed be actually in the Field otherwise to have no pay during the time of their Absence from actuall Service U. H. Journal 1659–98

Signed by order of the house
Robt Ridgley Clk of Lor hoe Ass.

The Upper House Concur with the Lower house in the said Vote concerning officers pay and Sent Mr Chew to acquaint them therewith

Then the Upper House received and read the Bill for killing of wolves & a Bill for marking high Ways and making the Heads of Rivers Creeks Branches & Swamps passable for horse & Foot Amended then & Sent down to the Lower house with this Houses Assent thereon by Mr Chew

Then read an Act Limitting Servants times & past Nemine Contradicente

Then read the Bill for Stay of Executions after april Court and passed with this Alteration Viz.

That from and after the publication hereof, & so from and (be Struck out) and Sent to the Lower House Mr Baker Brookes therewith—

Then read the Bill prohibitting Jmportation of Horses &ca & past

The Bill for high Ways read & past

The house Adjourned till two of the Clock in the Afternoon p. 213

The House met again Present as in the Morning

Then read the Bill Entituled an Act for the Preservation of Orphans' Estates. This House Conceive the said Bill insufficient in these particulars following and do desire that two Members of each house may this afternoon Consider of the same and of the said Bill Viz.

1. First Care must be taken to have the Children Educated in the Religion of their decd Parents

2. The Officer for Probat of Wills & Granting Admcons must order the Estate till Debts paid and that the Estate be ready for division amongst the Wife or Orphans & not the County Court

3. Thirdly It is more probable that the Orphans will have Negros by preservation of those Jndividual Negroes left by the Jntestate by means of the Children that may be born of them

U. H. Journal 1659-98 in process of time than by obliging the Guardian to deliver the Orphans Negros of like Ages &c[a] at the time of the Orphans Age of 21 Years because no man can be sure hereafter to purchase any Negroes & that Clause implys a Power in the Guardian to take or Sell to his own Use the Negroes delivered him

4. Fourthly Female Orphans ought to be judged of full Age at sixteen Years old because they may be then Marryed

This House desired M[r] Brooke to carry the same down to the Lower House Who went accordingly

Ordered that the honourable the Chancellour M[r] Brooke and M[r] Chew or any two of them be appointed to treat with two of the Members of the Lower House to be appointed touching the Act for Orphans Estates

The House Adjourned till morrow morning ten of the Clock

Tuesday 17[th] October

The House met Present as Yesterday Colonell Calvert and Major Fitzherbert. And
Adjourned till two of the Clock in the Afternoon

The House met again Present as in the Morning except Major Fitzherbert

Then read a Bill for Naturalization of Matthias Decosta & past

This House will Consent to the Bill for Ferrys Provided a ferry may be kept over Potapsco River from Philip Thomas's Point in Ann Arundel County to Kent County over the wading
p. 214 place from Kent to Talbot County over Chester River from Baltimore County over Choptank into Dorchester over Nanticoke into Somersett County All which this House judge necessary to be kept And desired Col[l] Calvert to carry the same down to the Lower House with the said Act of Naturalizac̄on He goes accordingly

Ordered by the Upper House that Cap[t] William Burgess of Ann Arundel County Samuel Chew Esq[r] & M[r] Tho[s] Taylor of the same County or one of them do pay or Cause to be paid unto Jn[o] Rousby Clerk of this present Assembly the Sum of three pounds of lawful Mony for fees due to him from the said W[m] Burgess Samuel Chew and Thomas Taylor by reason of a certain Writt of Error by them brought in this House against Henry Hooper

M[r] Causine informs the House that the Lower House desires that the Act about Ferrys may be respitted till the next General Assembly

Col Calvert was desired to acquaint the Lower House that This House desired a Committee for accounts Be this Night Nominated He goes accordingly U. H. Journal 1659–98

Capt Boarman informs the House that the Lower House had ordered Mr Daniel Jenifer Major Brookes Capt Philemon Lloyd Mr Robert Franklyne & Mr Henry Adams to join with the members of this House in a Committee for drawing up an Act for the publick Charge

Ordered that Baker Brookes & Samuel Chew Esqrs do join with the Members of the Lower House as a Committee for drawing up an Act for the publick Charge

The House Adjourned till ten of the Clock to morrow morning

Wednesday the 18th of October

The House met Present as Yesterday

The Upper House having Voted that there be two Barrels of Powder & 800lb of Lead bought at the Charge of the publick & presented to the Susquehannahs desire the Concurrence of the Lower House therein & that Mr Brooke acquaint them therewith. He goes accordingly. The Lower House Concur herein.

The House Adjourned till two of the Clock in the Afternoon

The House met again, Present The Rt honble the Governr The honble the Chancellour Coll Calvert & Major Fitzherbert

Then read a Bill for Naturalization of Hans Hanson & Others—

The House think fit that 60000lb tobo be given to Capt Jenifer for the purchase of his Houses in St Marys p. 215

Ordered that if any Members of the Lower House desire to depart this Province they may repair to the Rt honble the Governour & he will Grant them Lycences

Then read an Act for reviving certain Laws & past

Upon Petition of Capt Perry Ordered that he see at the Governrs for five Gunns of his lent the Country if they are not there then he is to have Satisfaction for the Same from the publick

The House Adjourned till nine of the Clock to Morrow Morning

Thursday 19th October

The House mett Present the honble the Chancellour Col Calvert Baker Brooke and Samuel Chew Esqrs and Adjourned till two of the Clock in the afternoon

U. H. Journal 1659–98

The House met again Present as in the Morning And—

Adjourned till to morrow morning nine of the Clock

Friday the 20th October

The House met Present The Rt honble the Governour The honble the Chancellour Baker Brooke Samuel Chew & Major Fitzherbert

The Lower House Sent their Votes to this house by Majr Brookes Viz.

19th October 1671

This House Vote that upon the View of any Stillyards before any officer appointed by the Act for the marking of Stillyards that if the Stillyards weigh either heavyer or lighter than the Standard 4th in the hhd which is to be understood in 400th Weight that they shall pass & in all less Stillyards one in the 100 And that the Upper House's Concurrence be desired to this Vote And that this Vote may remain as a Rule to those that have the Custody of the Stillyards

Signed &ca.

This House Vote further that because this House doth not take Care if any person do remove to live out of the Country that the County Court shall have power to depute another person

Signed &c.

p. 216 This House desires that if the Upper House think fitt to Concur with this House in the within written Votes that they may be recorded in the Journalls of both houses and there remain as a direction to the Justices of the respective County Courts

Signed &ca.
Robt Ridgley Cl Lor. Ho Assembly

Whereupon the Upper House do Concur with the Lower House in the said Vote & do order that the same be recorded in the Journalls as is desired & acquainted the Lower house therewith by Mr Chew

The House Adjourned till two of the Clock in the afternoon

The House met again Present as in the morning

Then read the Act for paymt of the publick Charge of the Province

And upon the Question put

Resolved the same do pass Nemine Contradicente

The Chancellour was pleased to Carry the Same down to the Lower House.

Mr Bolls brings up the Levys he Carrys them again to the Lower House U. H. Journal 1659–98

The House desired Mr Brooke & Mr Chew to acquaint the Lower House that his Excellency was ready to break up this present Sessions of Assembly & to desire them to bring up the Laws assented to by both houses

Then the Lower House with their Speaker came into this house with all the Laws made this Assembly The Title whereof being read in the Presence of both houses His Excellency signed the Laws with this Jndorsment

His Lordship willeth these be Laws

And thereupon prorogued the Assembly till the third Tuesday in October next which shall be in the Year of our Lord 1672

Acts made att a Generall Assembly held att the Citty of Saint Maryes the tenth day of October in the XXXXth yeare of the Dominion of Cæcilius &ca Annoq Domini 1671 Liber W H & L p. 62

his Excellency Charles–
Calvert Esqr Gouernour

An Act for marking Highwaies and makeing the heads of Rivers Creekes and Branches & Swamps passable for horse and foote

Whereas itt is thought Convenient and very much for the benefitt of the Inhabitants of this Prouince that waies and Paths be marked and the heads of Rivers Creekes and Branches be made passable Bee itt therefore Enacted by the Right Honble the Lord Proprietary by and with the Consent of the upper and lower houses of this present Generall Assembly That the Comissioners of each County shall once every yeare (Vizt) vpon some day between the first day of September and the twentieth day of October as the said Justices or Comissioners shall thinke fitt to appoint meete together in their Respective Counties to Consult of what highwayes are most fitt to be made and caused to be marked out the most Convenient highwayes and Pathes through their Counties as alsoe to make passable for horse and foote the heads of Rivers Creekes Branches & swamps as are most Convenient and Nearest adjoyning to such high wayes or necessary pathe And the said Comissioners are hereby Impowred to appoint overseers Leavy Tobacco or Labour Equally vpon the taxables of each Respective Counties to carry on the said worke to beginn or to Repaire the highwaies already begunn or made Provided that this Act be not to the apparent damage of any particular person by makeing or markeing any high way or pathe through his Yard Garden p. 63

Liber W H & L Orchard or Cornefield And uppon neglect of the said Comissioners for appointing overseers and Provideing labourers for the performance of the said worke they shall be fined four thousand pounds of Tobacco & Caske and every Labourer who shall Refuse or Neglect his labour shall be fined one thousand pounds of Casked Tobacco And every Overseer soe appointed by the Comissioners who shall Refuse or neglect the performance of his duty in his Charge shall be fined two thousand pounds of Casked Tobacco the one halfe of those fines to the Lord Proprietary and the other halfe to the Informer or him or them that shall sue for the same fine or fines to be Recovered in any Court of Record within this Prouince by bill plaint or otherwaies wherein noe Essoyne Protecc̄on or wager of the Law to be allowed This Act to Continue for three yeares or to the next Generall Assembly which shall first happen And Bee itt further Enacted That all former lawes heretofore made touching the markeing of high waies be & are hereby Repealed—

An Act prohibitting all sherriffes Subsherriffes or Deputy Sherriffes all Clerkes Sub Clerkes or Deputy Clerkes to plead as an attorney in any Court or Courts within this Prouince where he or they shall bear such office

Whereas many Inconveniencyes have happened and divers Complaints haue been made That some persons that haue been and now are Clerkes of Courts within this Prouince have pleaded as attorneys within the said Courts and alsoe formerly That Sherriffes Subsherriffes or Deputy Sherriffes or Counties
p. 64 within this Prouince haue alsoe done the same to the great trouble of divers of the good people of this Prouince by stirring up of Suites amongst them to aduance their ffees for the preuenc̄on whereof for the future and for the quiett of the good people aforesaid Bee itt Enacted by the Right Hon^ble The Lord Proprietary by and with the aduice and assent of the upper and lower house of this present Generall Assembly That from and after the end of this present Session of Assembly noe Clerke or other person that shall haue any thing to doe with the Records of the Prouinciall Court as a Clarke shall dureing the tyme as he shall be soe Clerke of the said Court or haue any thing to doe with the Records thereof plead in the Provinciall Court as an attorney vnder the penalty of two thousand pounds of Tobacco for every Cause that he shall soe plead in the said Provinciall Court two third partes thereof to be forfeited to the Lord Proprietary to be disposed of for the

vse of the Publick att the discrecōn of the Justices of the said Court and the other third part to the Informer or him or them that shall sue for the same The said ffine to be Recovered in any Court of Record within this Prouince by bill plaint or Informacōn wherein noe Essoyne protecc̄on or wager of Law to be allowed And be itt further Enacted and ordeined by the Authority aforesaid by and with the aduice & assent aforesaid That from and after the End of this present Session of Assembly noe sherriffe Subsherriffe or Deputy Sherriffe of any County or Clerke Sub-Clerke or Deputy Clerke of any County Court or other person that hath any thing whatsoever to doe with the Records of the said County Court shall in the said County Court where he is sherriffe Sub-sherriffe or Deputy sherriffe Clerke Sub Clerke or Deputy Clerke or hath any thing to doe with the Records as aforesaid plead as an attorney within the said County Court within this province for any person whatsoever That for every such Cause he shall soe plead in the said County Court within this Prouince of which County he is Sherriffe Subsherriffe or Deputy sherriffe or of which County Court he is Clerke Sub clerke or Deputy Clerke or hath any thing to doe with the Records of the said Court he shall forfeite for every such offence the sum̄e of Two thousand pounds of Tobacco two third partes thereof to be forfeited to the Lord Proprietary to be disposed on to the defraying the Charge of wolues heads and the poore of the County wherein the offence shall be Comitted by the order & att the discrecōn of the Comissioners of such County from time to time or the Major parte of them the other Third part to the Informer or him or them that shall sue for the same the said fine to be Recovered in any Court of Record within this Prouince by Bill plaint or Informacōn wherein noe Essoyne Protecc̄on or wager of Law to be Allowed— Liber W H & L

An Act for Stay of Execucōns after Aprill Court

Whereas many the Inhabitants of this Prouince are and haue been Exeedingly greived and burthened by Execucōns laid uppon them for Tobacco in the summer time when it is not possible for them to procure Tobacco for payment and satisfacc̄on of their Creditors by meanes whereof they are oftentimes kept in prison a long time and thereby disabled from tending and makeing their Cropps to the great prejudice (if not Ruine) of many the Inhabitants of this Prouince being thereby left destitute of any meanes to satisfye their Creditors for preuencōn whereof for the future Bee itt Enacted by the p. 65

Liber W H & L Right Hon^ble^ the Lord Proprietary of this Prouince by and with the aduice and Consent of this present Generall Assembly and by the Authority of the same That after the tenth day of Aprill in any yeare noe Execucōn shall Issue out of any the Courts of this Prouince against the body or goods of any person or persons Inhabiting or Resydeing within this Prouince till the tenth day of October next or till the tenth day of October in any yeare dureing the Continuance of this Act for any debt or debts or vppon any accōn Judgment or Judgments sued had or Recovered against any the Inhabitants of or within this Prouince betwixt the tenth day of Aprill and the tenth day of October in any yeare in the Prouinciall or any the County Courts of this Prouince for any cause matter or thing whatsoever

Provided such person or persons against whome any such Judgment is obteyned shall Imediately (after the obteyning such Judgment together with another party such as the Justices hereafter mencōned shall approve of) Come before one Justice or more of the Justices of the Prouinciall Court or two Justices or more of the Respective County Court where such Judgment is obteyned and Confesse Judgment to the party that obteyned the Judgment as is aforesaid for his debt and Costs of Suite adjudged with a cessat Executio till the tenth of October then next following and thereof procure Certificate under the hand of the same Justice or Justices before whome the said Judgment shall be Confessed And that such Certificate shall be a sufficient supersedeas to the Sherriffe to forbear serveing the Execucōn upon the body or goods of the person soe obteining such Certificate

And if the party be taken in Execucōn before such Certificate be produced That then such Certificate being obteyned afterwards as aforesaid shall be a Sufficient Supersedeas to the Sherriffe for the Release of of such person from Imprisonment vpon that Execucōn the party paying or giveing security to such Sherriffe for his due fees for the Imprisonment And that the Justice or Justices before whom such Judgment shall be Confessed as aforesaid shall Returne the Judgment soe Confessed vnto the Clerke of that Respective Court where the first Judgment was obteyned to be Entred vpon Record for which Entry the Clerke shall Receive as a fee five pounds of Tobacco and noe more any law Custome or vsage heretofore had made or done within this Prouince to the Contrary hereof notwithstanding

p. 66 And Bee itt further Enacted by the Authority aforesaid That all Lawes Heretofore made for the Limitting and staying of Execucōns be and are hereby Repealed this Act to Continue and Remaine in force for the Tearme of three yeares or to the end of the next Session of Assembly which shall first happen

An Act for the killing of wolues

Liber W H & L

Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the aduise and Consent of this present Generall Assembly That every person who shall bring the head of a wolfe to any of the Commissioners or Justices of the peace in any County of this Prouince shall be allowed two hundred pounds of Tobacco from the County where the wolfe shall be killed and that such Comissioner or Justice of the peace to whome the wolfes head shall be brought shall Cutt or Cause to be Cutt out the Tongue and cut or cause to be Cutt of the eares of the said wolfes head to prevent the deceipt of twice or oftner paying for the same this Act to Continue for three yeares or to the End of the next sessions of Assembly which shall first happen

And Bee itt further Enacted that all other acts formerly made for the killing of wolves be and are hereby Repealed

An Act for the preseruacõn of Orphants Estates

Forasmuch as the former lawes made in this Prouince Concerning Orphants Estates are found by Experience to be very defectiue & noe waies sufficient for the preseruacõn of Orphants Estates according to the Ends and purposes thereby Intended and desired The Delegates in this present assembly now assembled pray that it may be Enacted And Bee itt Enacted by the Right Honourable the Lord Proprietary of this Prouince with the aduice and Consent of the upper and lower house of this present Generall Assembly and the Authority of the same That all last wills and Testaments shall be firme & Inviolable vnlesse the Executor or Overseers thereby appointed doe Refuse to Execute the trust in them Reposed by the Testator in which case the Cheife Judge for probate of wills and granting administracõn shall grant Administracõn with the will annexed to some other person as in his discretion shall seeme meete Butt if the will be soe made that noe person will vndertake the management of the said Estate and Educacõn of the Orphants according to the Tennor of the said will then the Estate by the appointment of the Justices of the County Court where the Estate shall lye and bee shall be mannaged according to these following Rules hereafter in this present Act prescribed allwaies Provided the Children if any bee Comitted to persons of the same Religion of their deceased parents. And itt is further Enacted by this present Generall Assembly and the Authority of the same That when any person whatsoever p. 67 dyeth Intestate that then the Administracõn shall be granted to such person or persons whome the said Intestate shall haue

Liber W H & L appointed overseers for his Estate if any such be and in default of appointing such Overseers then administracōn shall be granted to the wife of the Intestate if shee be Liveing if not liveing then to the next of the blood of the person soe dyeing Intestate who shall enter into bond with sufficient securities such as the Judge for probate of wills and granting administracōns shall approue of well and truely to administer of the Estate of the said person soe dyeing Intestate and thereof to make a true and perfect Inventory and appraysement of all and singular the goods and Chattles Rights and Creditts belonging to the said person soe dyeing intestate att the time of the Intestates death and deliver the same to be Recorded into the Secretaryes office under the hands of sworne appraysors for that purpose to be by the said Judge appointed att a Certain time by the said Judge to be Limitted and alsoe to give a true and perfect accompt of the said Estate soe by him administred of unto the Judge within twelve moneths next after the obteyning the said Administracōn And if the said Administrator shall faile to give an accompt within the time aforesaid being by the said Judge thereunto summoned That then the said Judge shall grant administracōn anew to some other person as in his discretion he shall thinke fitt and Revoke the former administracōn which said person of new appointed shall putt in security as is aforesaid to Execute and doe all things as is before in this Act Required and appointed and may sue and Implead the former administrator for an account of the Estate and in case of wasteing or Imbezelling the said Estate by the former administrators That then the said Judge to assigne over the bond Entered into by the former administrators and his security vnto the new administrators To be Releived against them for such wasting and Imbezelment And alsoe that the said Judge vpon the accompt given by the said administrators as aforesaid shall make division of the Overplus of the Estate after debts paid and funerall Expences defrayed allowing to the wife of the Intestate if shee be then liveing one third part thereof and the Rest is to be divided amongst the Children if he haue any then liveing and in case he haue noe Children then to the next of the blood of the deceased Intestate and after such division and Apportionment of the said Overplus of the said Estate by the said Judge as aforesaid made That then the said Judge shall Transmitt the same to the Justices of the severall & Respective County Courts who are by this Act appointed Authorized and Enjoyned to take Care and see to the preseruacōn of the said Orphants Estate according to the Rules and direccōns hereafter by this Act prescribed Established and ordeined and not otherwise and that these following Rules shall be Rules not onely for the Judge for probate of

wills & granting administracōns but alsoe for the Justices of the severall and Respective County Courts to proceed by and noe other allowances shall be made to any administrator or Guardian to any Orphant vppon his or their accompts Except for debts by them truely paid out of the said Estate and Really owing by the Intestate Viz: Liber W H & L

First that noe Negroes or other slaues shall be sold or disposed of by any Administrator for payment of debts or otherwise or Reserved for the administrators Owne use in Satisfaccōn for any debt due to the said Administrator nor any Execucōn served vpon any Negroes or other Slaues soe long as there shall be other goods of the deceased Sufficient to Satisfye the Iust debts of the deceased that noe accompt be allowed for dyett Clothes Phisick or Educacōn against any Orphants Estates but that they be provided for and Educated by the Interest of their Estate and Encrease of their Stock according to the proportion of their Estates if itt will beare itt but if the Estate be soe meane & inconsiderable that itt will not Extend to a free Educacōn That itt is Enacted that such Orphants shall be bound apprentices to some handycraft Trades or other person att the discrecōn of the Justices of the County Court vntill one & twenty yeares of age Except some kinsman or Relacōn will maintaine them for the Interest of their smale Estate they haue without diminucōn of the Principall which whether great or Smale shall allwaies be delivered att the yeares by this Act appointed. p. 68

3^{dly} That all Cattle Horses Sheepe be Returned in kinde by the Guardians according to the age and Number when as he Received them and because severall had before the makeing of this Act Estates of Orphants in their hands which they kept for the male Increase and giveing a yearely accompt of the Augmentacōn or Diminucōn of the Orphants stocks which by Carelesnesse or wickednesse of the Guardians was usually Consumed before they came to age and dispute thereupon ariseing in the severall Courts how such persons should be proceeded with and accompt of the Orphants Estates how to be given them It is hereby declared that all persons possessed of Orphants Stocks before the makeing of this act shall be bound to deliver to the Orphants when he comes of age such and soe many of any kind as he is possessed with when he gives his accompt to the next Orphants Courts Succeeding the Publicacōn of this Act.

4^{thly} That all plate mony Rings & Jewells be preserved & delivered in kind according to the weight and quantity and that other household stuffe & Lumber be appraysed in money and the value thereof paid by the Guardian to the Orphant when he comes to age either in money Sterling according to

Liber W H & L

appraysement or in Tobacco att the then price Currant and in case any difference shall arise what shall be the then price Currant that the Judges of the County Court where the Orphants Estate doth Lye determine what shall be the then price Currant.

5thly That every male Orphant shall be accompted to be of full age att the yeares of one and twenty and att that age to Receive his Estate from the Guardian but in case any person

p. 69

by his last will and Testament doe appoint any person to be Executor that is full seventeene yeares of age That person soe appointed shall be adjudged of sufficient age to administer as Executor And if such Executor happen to be under the age of seventeene the Administracon to be granted to such other person as the Judge in Testamentory businesse shall approue of till such Executor accomplish the full age of seventeene and that such administracon be granted to the vse and profitt of the Infant Executor and not otherwise nor in any other manner.

6thly That every female Orphant shall be accompted of full age to Receive her Estate at the age of Sixteene yeares or day of marriage which shall first happen provided shee be above sixteene yeares of age att the day shee is marryed.

7ly That all Negroes and other Slaues shall be after the transmitting of the Estate to the County Courts as aforesaid appraysed to the administrators and Guardians and be preserved by them & Imployed to the said Administrators & guardians use & benefitt and the like number of Slaues and of like abilityes Returned to the said Orphants out of their Encrease if any bee att their severall full ages by this Law Limitted and if any of the said Slaues be grown aged or otherwise impotent or be Lamed and that the Encrease will not make the Originall stock good as to number & ability of body that then they shall againe be appraysed by the said County Courts and the administrators and Guardians shall pay to the said Orphants soe much money or Tobacco as the County Courts shall Judge the Orphants stock of Negroes then to be of Lesse value then they were of att the time of the first appraysement and delivery of the said slaues to the said Administrators & Guardians But in case the said Administrators & Guardians will not uppon these tearmes accept of such slaues then itt shall be Lawfull for the said severall and Respective County Courts to putt the said Slaues out upon any other Tearmes and to any other persons soe that the said Originall stock of Slaves and their Encrease be not sould but in the best manner that may be preserued for the Orphants till they come to their severall full ages by this Act Limitted & appointed to the Intent they may haue their first stock made good to them in Number vallue and ability.

8ly That all that are servants for yeares be likewise Returned in kind according to their Number severall ages & sexes Number of yeares they haue to serve & outward appearance of ability of body to the Orpans by the Administrators & Guardians as they Received them when the Orphant shall accomplish the age by this Act appointed Liber W H & L

9ly That all administrators & guardians who att the time of the makeing this act haue any Negroes or slaues in their possessions belonging to any Orphants and have not as yett given any accompt of their guardianship and not being Legally discharged thereof shall Returne all such Negroes & Slaues as are att the time of the makeing this Act in their possession (to witt) the same number severall ages sexes & outward appearance of ability of body in kind as they Received them upon The Vndertakeing the guardianship or Administratorship when such Orphant shall come to their age by this act appointed and if in case the Administrat[r] or guardian have in their Inventory & Appraisment by them Exhibitted vallued the said Negroes & Slaves in Tobacco that then such and soe much as the appraisment doth amount unto shall be allowed to them vpon their accompt of Administracōn or Guardianship. p. 70

10ly That all and every tobacco debts belonging to any Estate of any person Intestate the Administrator shall Exhibite an Inventory to the Judge for probate of wills & granting administracōns of what are hopefull debts and what debts are desperate and uppon his accompt shall be allowed there for what debts are desperate which desperate debts shall likewise with the division of the overplus of the Estate made by the said Judge bee by him also Transmitted unto the Severall & Respective Justices of the County Courts where the Estate shall Lye and that they shall yearely and every yeare Call the said Administrators & Guardians to accompt for the same and what of the said desperate debts they haue Received or may Receive And if the said Administrators & Guardians faile to give such accompt or by fraud or Colour neglect or forbear to Recover the same that the said Administrators or Guardian shall stand Charged with and accomptable for every such debt by them Received and not accounted for or soe neglected or forborne to be Recovered.

11ly That Justices of the County Courts take able and sufficient security for Orphants Estates and Inquire yearely of the security and if the said Justices see Cause to haue itt Changed then to bee Called in and bee putt in such hands as the said Justices shall thinke fitt The said Justices to Enquire whether the Orphants be kept maintained & Educated according to their Estates and if they find any Notorious defect to Remooue them to other guardians and alsoe for those that are bound

Liber W H & L

apprentices to Change their master if they use them Rigorously or Neglect to teach them their trades That noe more be allowed to guardians for Collecting debts due to any Estate then Tenn in the hundred the vsuall allowance of Marchants to their factors & Attorneys.

12 That Thirty pound of Tobacco per day be allowed to each appraysor of any Estate (if they will take itt) and noe more.

13 That noe allowance be made by the Court of Excessive funerall Expences but a Regulacōn Thereof be made according to the Proporcōn of the Estate & the quality of the person.

To the Right Hon^ble^ the Lord and Proprietary of the Prouinces of Maryland & Avalon Lord Baron of Baltemore

p. 71

The humble Peticōn of Mathias Decosta of S^t^ Maryes County in this Province of Maryland

Humbly sheweth

Vnto your Lordship that your Peticōner Mathias De Costa was borne in fiall under the Dominion of the King of Portugall and your peticōner being now Removed into this Prouince hath for long time therein Inhabitted being Invited to come & dwell within this Prouince by and vppon Confidence of your Lordships Declaracōn of the second of July one thousand six hundred forty Nyne whereby your Lordship did Impower your Lordships Gouernour of this Prouince from time to time to grant lands to any persons of Dutch french or other forreigne discent in the same in as ample manner and vppon the same tearmes and Provisoes as he was thereby Impowered to grant Lands to any person or persons of Brittish or Irish discent and dureing his abode within this Prouince your Peticōner hath been alwayes faithfull and Obedient to your Lordships Lawes & Customes of this Prouince as other the good people of this Prouince of Brittish or Irish discent may to their great Losse prejudice & Hinderance as alsoe to the deterring of divers others of the forreigne Nacōns aforesaid from comeing into this Prouince and by Consequence foreslowing the peopleing of this Prouince with usefull Artificers & Handycrafts men may itt therefore please your Lordship of your Abundant goodnesse and wonted Care of and over this Prouince That itt may be Enacted and Ordeined And Bee itt ordeined & Enacted by the Right Hon^ble^ the Lord Proprietary of this Prouince by & with the aduice & Consent of the upper and lower houses of this present Generall Assembly And the Authority of the same That your Lordships humble Peticōner Mathias Decosta shall

and may from henceforth be adjudged Reputed and taken as a natureall borne person within this Prouince of Maryland and alsoe that he shall and may from henceforth by the same Authority be Enabled and adjudged to all intents and purposes able to demand Challenge aske have hold & Enjoy any Lands Tenements Hereditaments & Rents within this Prouince as Heire or Heires to any of his Ancestors by Reason of any discent fee simple ffee taile Generall or speciall or Remainder vpon any Estate Tayle or come to him by any discent in fee simple fee tayle Generall or speciall or Remainder vpon any Estate Tayle as aforesaid or by any other Lawfull Conveyance or Conveyances or meanes whatsoeuer as if he had been borne within this Prouince or were of Brittish or Irish discent as aforesaid And alsoe that he from henceforth may and shall be Enabled to prosecute maintaine & avow Justify & defend all manner of accōns suites plaints and other demands whatsoever as Liberally franckly freely fully Lawfully and securely as if he had been Natureally borne within this Prouince of Maryland or were of Brittish or Irish discent and as any other persōn or persons Natureally borne within this Prouince or of Brittish or Irish discent may any waies Lawfully doe any Lawe Provisoe Act or Custome of this Prouince or other thing whatsoever had made ordeined and done within this Prouince to the Contrary thereof in any wise Notwithstanding. Liber W H & L p. 72

To the Right Hon^ble^ the Lord & Proprietary of the Prouince of Maryland & Avalon Lord Baron of Baltemore &c^a^.

The humble peticōn of Hans Hanson Cornelius Comegys the Elder Millementy Comegys his wife Cornelius Comegys the younger Elizabeth Comegys William Comegys & Hannah Comegys their Children—

Humbly sheweth—

Vnto your Lordship That your peticoner Hans Hansun was borne in Delaware Bay of Swedish parents Your peticoner Cornelius Comegys the Elder borne in Lexmont belonging to the States of Holland your Peticoner Millementy Comegys in Barnevelt vnder the Dominion of the said states your Peticoner Cornelius Comegys the younger borne in Virginea & your Peticōners Elizabeth William & Hannah borne within this Prouince And your Peticōners Hans Hanson Cornelius Comegys the Elder and his wife and the said Cornelius their Sonne being now Removed into this Prouince haue for long time therein Inhabitted being Invited to come & dwell within this Prouince by and vppon Confidence of your Lordships Declaracōn of the

Liber W H & L second of July one thousand six hundred forty Nyne Whereby Your Lordship did Impower your Lordships Gouernour of this Prouince from time to time to grant lands to any persons of Dutch french or other forreigne discent in the same in as ample manner and uppon the same Tearmes and Provisoes as he was thereby Impowered to grant Lands to any person or persons of Brittish or Irish discent and dureing their abode within this Prouince Your peticōners haue been alwayes faithfull and Obedient vnto your Lordships Lawes and Customes of this Province as other the good people of this Prouince of Brittish or Irish discent may to their great Losse prejudice and hinderance as alsoe to the deterring of divers others of the forreigne Nacōns aforesaid from comeing into this Prouince and by Consequence foreslowing the peopling of this Province with vsefull artificers & Handy crafts men may itt therefore please your Lordship of your Abundant goodnesse and wonted care of and over this Prouince That itt may be Enacted & Ordeined and Bee itt Enacted & ordeined by the Right Hon^ble^ the Lord and Proprietary of this Prouince By and with the aduice & Consent of the upper & Lower house of this present Generall Assembly & the Authority of the same That your Lordships Humble Peticoners Hans Hanson Cornelius Comegys the Elder Millementy his wife Cornep. 73 lius Comegys the Younger Elizabeth Comegys William Comegys & Hannah Comegys Children of the said Cornelius Comegys the Elder & Willementy his wife shall and may from hence forth be adjudged Reputed & taken as natureall borne people within this Prouince of Maryland and alsoe that they shall and may from hence forth by the same Authority be Enabled and adjudged to all intents and Purposes able to demand Challenge aske have hold & Enjoy any lands Tenements Hereditaments and Rents within this Prouince as heire or heires to any of their Ancestors by Reason of any discent in fee simple fee tayle Generall or speciall or Remainder vpon any Estate tayle or come to them by any discent in fee simple or fee tayle Generall or Speciall or Remainder vpon any Estate tayle as aforesaid or by any other Lawfull Conveyance or Conveyances or meanes whatsoever as if they had all been borne within this Prouince or were of Brittish or Irish discent as aforesaid And alsoe that they and every of them from henceforth may and shall be Enabled to prosecute maintain & avow Justifie & defend all manner of accōns suites plaintes and other demands whatsoever as Liberally franckly freely fully Lawfully & securely as if they and every of them had been Natureally borne within this Prouince of Maryland or were of Brittish or Irish discent or as any other person or persons Natureally borne within this Prouince or of Brittish or Irish discent may

any waies Lawfully doe any Law Provisoe Act or Custome of this Province or other thing whatsoever had made ordeined or done within this Prouince to the Contrary thereof in any wise notwithstanding. Liber W H & L

An Act for Explanacōn of one Clause in an Act Entituled An Act prohibiting the importacōn of all horses, mares, geldings and Colts into this Province, with addition and amendment therein. Liber W H p. 97

Whereas at the first Session of this Assembly held at S^{t} Maries the 27th day of March, in the 39th year of the dominion of Cæcilius &c. Annoq Dom. 1671, and there continued untill the 19th day of Aprill then next following, for diverse reasons and Consideracōns to the Right hono^{ble} the Lord Proprietary of this Province and the upper and Lower houses appeareing, it was enacted and ordained by the said Lord Prop^{ry}, by and with the advice and consent of the said upper and Lower houses of the said Assemblie, and by the authoritie of the same, That no person or persons whatsoever from and after the end p. 98 of this Assembly shall import or bring into this Province, by Sea or Land, any horses, mares, geldings or Colts from any forreign Parts whatsoever, under the penalty of forfeiting all such horses, geldings, mares and Colts soe by him, or them imported or brought in as aforesaid, or the full value thereof: one halfe to the Lord Proprietary: the other halfe to the informer, or him or them that shall seize the same. To be recovered in any Court of Record within this Province by Bill, Plaint or Informacōn wherein no Essoine, Protecc̄on or wager of Law to be allowed. This act to continue for three years, or to the end of the next general Assembly w^{ch} shall first happen. And for that his Excellencie Charles Calvert Esq^{r} Cap^{t} gen^{ll} and chief Governo^{r} under the said Lord Prop^{r} was graciously pleased to prorogue the same Assembly untill the tenth day of this instant October, and not to desolve the same And for that severall doubts and scruples have since the prorogacōn of the same Assembly arisen, and are like to arise in the Province amongst diverse the inhabitants thereof touching the time when the said Act should commence and begin to be in force. And for that severall numbers and companies of horses have been since the prorogacōn of the said Assembly, imported and brought into this Province, And whereas at the makeing of the said Law, it was the intent of the upper and Lower houses of the said Assembly, the said Act should commence and begin to be in force at the day of the end of that Session of Assembly, viz^{t} the 19th day of Aprill, in the 39th year of his said

Liber W H Lord[pps] dominion over this Province, Annoq Dom. 1671 Therefore for the full explanacōn as well of the said Act, as of all other Lawes then made and enacted at the aforesaid Ses-
p. 99 sions of Assembly Jt is hereby Enacted by the Right hono[ble] the Lord Proprietary by and with the advice and Consent of the upper and lower houses of this present generall Assembly, That all and every of the aforesaid Acts doe commence and be in force from the aforesaid 19[th] day of Aprill, being the last day of the last Session aforesaid, except it be otherwise declared and sett down in any of the aforesaid Acts, and those Acts then to commence from the time therein limited, as alsoe except any Act made the last Session of Assembly and By any Act of this present generall Assembly repealed.

And Bee it further Enacted by the authority aforesaid That all such horses, Mares, Geldings or Colts already and since that act imported, or shall be hereafter imported into this Province contrary to the true intent and meaneing of the said Act, shall be forfeited as aforesaid, in whose possession soever they shall be found or seized.

And it is hereby further Enacted and ordained by the authoritie aforesaid, that every Justice of the Peace, in his respective County: as alsoe any Justice of the Peace of any City, Town or Burrough Corporate, within their s[d] libties and precincts, are hereby impowered to issue forth his or their warrants for the seizure of all such horses, Mares, Geldings or Colts as shall be imported, when thereunto requested by him or them that shall informe any of the said Justices of the same, hereby further requireing the said Justices to binde such Jnformer or Jnformers in a penall Bond of double the value of the aforesaid horses Mares, Geldings and Colts to sue and prosecute the same at the next County Court, or Court of the City, Towne, or Burrough Corporate where such seizure shall be made.

And Bee it Likewise Enacted and ordained by the authority aforesaid, The Commission[rs] of the severall and respective County Courts, and the Justices of Citys, Townes, Burroughs, Burroughs Corporate within this Province are hereby impowered and authorized to Judge and determine of all such offences against this Act committed, Notwithstanding any Limitation in their Commission exprest and declared.

Bee it alsoe Enacted That the aforesaid halfe part shall be to him or them that shall seize and informe of the same, any thing in the aforesaid Law to the contrary notwithstanding.

And Be it further Enacted and Ordained by the authority aforesaid That the said Act made the last Session of Assembly with all the aforesaid Clauses, amendments and Explanacōns bee and continue in force for the terme of three yeares, or to the end of the next Sessions of Assembly which shall first happen.

An Act Limitting Servants Times

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For asmuch as this Assembly taking into their Serious consideration the great Charge and Hazard that the People of this Province are at in procuring Servants for their necessary Imploymts and in Reguard that the Time that hath hitherto bene allowed by the former Law to Such as have transported Servants into this Province without indentures being above one and twenty yeares of Age was but Foure yeares Service in which time it is conceived the Masters and owers of the said Servants cannot receive that Reasonable Satisfacton for their charges trouble and great Hazard which all Masters and owers of Servants are and must of necessity be at with their Servants This Assembly doe therefore pray That it may be enacted And bee it therefore enacted by the Right Honoble the Lord Propry[try] by and with the advice and consent of the upper and Lower House of this Present Generall Assembly. That whosoever shall Transport any Servant into this Province without Indenture and such Servant being above the Age of Twenty Two yeares shall be obleiged to serve the full Space and Tearme of Five yeares if between eighteen and XXII without indenture six yeares if betweene fivetene and eightene without Indenture Seaven years if under fiftene and coming in without Indenture as aforesaid Such Servant shall serve till he or she arrive to the full age of Two and Twenty Yeares And bee it also further enacted that all Servants Transported out of Verginea into this Province shall compleat their Time of Service here which they ought to have served in Virginia and noe more. And bee it further enacted That every Master Mistres Dame Assignee or Trustee of what kind soever owneing or keeping any Such Servant as aforesaid whether by virtue of Transportacōn Purchase or otherwise shall within six months after the Receiving such Servant into their Custody within this Province (Except he shee or they claime but five years Service of such servant) bring the said Servant into their Respective County Court where they doe Inhabite. And every of the said Courts are hereby empowered and Authorized to Iudge and Determine of the Age of such servant soe brought and cause the same to be entred upon Record And if the said Master Mistris Dame Assignee or Trustee doe not bring the said servant within six months after his or her Importacōn as aforesaid That then the said Master Mistris dame Assignee or Trustee Giving such Reason as the court shall approve of why such servant was not brought before the court within six months as is aforesaid. Then the court to give longer Time to the said Master Mistris Dame Assignee or Trustee for bringing in Such Servant to be judged as in this Act is Ex-

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pressed But if the Servant be not Brought nor good Reason given why he was not brought within the said Terme That then the said Servant to serve but five yeares And if any Master Mistris Dame Assignee Trustee or Servant aforesaid shall be agrieved with the determinacōn of the court he or she shall within the time determined for their Service produce an Authentique certeficat of such Servants Age and shall have Remedy according to the Ages afore mentioned And see it further enacted by the Authority aforesaid that noe Indenture made by any servant during their Time of Service due by former Indenture or by Determinacōn of the Court according to the Tenure of this Act shall any waies obliege any Servant for longer time then by his or her first Indenture or Determinacōn of the Court shalbe Limited or Appointed. Provided that this Act nor anything therein conteined shall not give nor be construed to give any benefit to any slave whatsoever And be it further enacted by the Authority aforesaid That all former Acts or Lawes made Limitting Servants times are and be hereby Repealed.

An Act for the Reviving of certaine Lawes within this Province.

For as much as many good and wholsome Lawes have formerly bene made in this Province which being Temporary will of themselves Expire if not Renewed and continued by this Present Assembly Bee it Enacted by the Right Hono^{ble} Lord Propry^{try} of this Province by and with the advice and consent of the upper and Lower houses of this Present Generall Assembly That An act madé at a Generall Assembly of this Province beginning XXVIIth day of Aprill 1658 Intituled an Act concerning the sayle of Tobacco $\overline{hhgs}$. One other act made at the same Assembly Intituled an Act prohibiting ground Leaves and seconds One other Act made at the same Assembly Intituled an Act concerning a Register of Births Marriages and Burialls One other Act made at an Assembly held at St Iohns the Seavententh Day of Aprill 1661 Intituled an Act for the appointing Certaine Officers. one other Act made at the same Assembly Intituled an Act for Military Discipline one other Act made at the same Assembly Intituled an Act concerning the Height of Fences one other Act made at the same Assembly Intituled an Act for the conveyance of all Lett^{r} concerning the state and Publique Affaires One other Act made at a generall Assembly held at St Maries the first of Aprill 1662 Intituled an Act concerning those Servants that have Bastards. one other Act made at the same Assembly Intituled an Act

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for the Publicacōn of Marriages One other Act made at the same Assembly Intituled an Act for the payᵐᵗ of fees due from Criminall Persons An Act concerning proceedings at Law made at the same Assembly One other Act made at the same Assembly entituled an Act concerning Taxable persons one other Act made at the same Assembly Intituled an act Imposing a Fee on those who shall be Married. One other act made at the same Assembly Intituled an Act concerning Indians. One other Act made at the same Assembly Intituled an Act concerning the Secretary and an Addicōn to his fees (Except this Clause in the Said Act (vizt) that the Secretary of this Province shall send to each Respective County Court within this Province all the Lawes in Force with the Lesser Seale affixed to them for the which Each Respective County shall pay to the said Secretary one thosand pounds of casqued Tobacco) which is not to stand Revived One other act made at a Generall Assembly held at St Maries the 15ᵗʰ Day of September Anno Dōm 1663 And there continued till Saturday the third day of October Following and thence adjourned untill the Second Tuestay in September 1664 Prohibiting arrests on the Sabbath Dayes and Dayes of Generall Mustering and Trayneing. An Act made at the same Assembly Intituled an Act Enjoyning Sherriffes to take Bayle and one other Act made at the same Assembly Intituled an Act for Amerciamᵗˢ in the Provinciall and County Courts. one other Act made at the Same Assembly Intituled an Act for the Leavying the Surveyʳ Genˡˡˢ Fees. One Other act made att the Same Assembly Intituled an Act for Appointing A Publique Notary One other Act made at the Same Assembly Intituled an Act Prohibiting Tradeing and Gameing with Servants. One other Act made att the same Assembly held at St Maries on the Day Last before Recited Intituled an Act addicōnals to an Act Intituled an Act for the payᵐᵗ of Fees due for Criminall Persons. one other act made att a Generall Assembly held at St Maryes the tenth Day of Aprill 1666 Intituled an Act prohibiting trade with any Indians for any flesh Dead or alive Except Dear and wilde Foule. one other Act made at the same Assembly Intituled an Act for Giving passes to Persons that Depart this Province. One other Act made att a Generall Assembly held at St Maries the thirtenth Day of Aprill 1669 Intituled an Act for the Reviving and Amendment of an Act Intituled an additionall Act to an Act concerning the payᵐᵗ of Fees due for Criminall persons. One other Act made at the same Assembly Intituled an Act providing against Sheriffes taking Excessive Fees. One other Act made att the same Assembly Intituled an Act appointing Court Dayes in each Respective county Court within this Province One other Act made at the same

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Assembly Intituled an Act providing what shall be good Evidence to Prove forreigne Debts one other Act made at the Same Assembly Intituled an act for to avoid Double paymt of Debts. One other Act made at the same Assembly Intituled an Act for the provideing Sufficient Freight and Carriage for the proper goods and comodities of his Lopp the Lord Propri^{ty} and of the Governo^{r} of this Province for the Time being One other Act made Att the same Assembly Intituled an Act for Limittac$\bar{o}$n of certaine acc$\bar{o}$ns for Avoiding suites at Law And one other Act made the same Assembly Intituled an Act Limiting Ordinary Keepers. One other Act made at a Generall Assembly held at St Maries the Seavententh of March 1670 and Prorogued to the tenth of October 1671 Intituled an Act touching Coopers. One other Act made at the same Assemble Intituled an Act Encourageing the Inportac$\bar{o}$n of Negroes and Slaves into this Province One other Act made at the same Assembly Intituled an Act for the Divulgers of False News. One other Act made at the same Assembly Intituled an Act against Hog stealers One other Act made at the Same Assembly Intituled an Act for the Provideing of A standard with English weights and measures in the Severall and Respective Counties within this Province. one other Act made at the same Assembly Intituled an Act for coroners Fees. One other Act made at the same Assembly Intituled an Act for the setling of Rates and Prizes in money of all wines Liquors and other comodities sold by Retaile within this Province One other Act made at the same Assembly Intituled an Act against Runawaies and such persons that give them Entertainmt and others that shall Travell without passes One other Act made at the same Assembly Intituled an Act for the makeing and Sowing of Hemp and Flax And the same Acts and Every of them are hereby revived and continued for the tearme of three years or to the end of the next Sessions of Assembly which shall first happen.

An Act for the paymt of the Publique chardge of this Province.

Whereas there are severall Sums of Tobacco due to Severall Persons from this Province as by account hereunto Annexed. at Large appeareth amounting in the whole unto forty five thousand seaven hundred and eighteen pounds of Tobacco as also Four Thousand Four hundred forty one pounds of Tobacco to the several Delegates from the Severall Counties for their several Expenses at St Maries During this Assembly Bee it enacted by the Right Hono^{ble} the Lord Propry^{try} by and

with the advice and consent of the upper and Lower house of this Present Generall Assembly that the said sume of forty five thousand Seaven hundred and Eightene pounds of Tobacco due as by account hereunto annexed be Leavied by Equall Assesmt upon the Persons and Estates of the Inhabitants of this Province and paid unto the severall Persons and in the proportions as in the afforesaid account hereunto annexed as is Expressed as also the said Sume of foure thousand Foure hundred fourty and one pounds of tobacco upon the Inhabitants of the severall and Respective Counties within this Province and in the proportions in the said accompt is also hereunto annexed for the chardges expended by the severall and Respective Delegates att St Maries Serving in this Assembly for the Afforesaid Severall Respective Countys.

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To the Inhabitants Living in St Maries County

To Leiuten^{t} Coll John Jarbo Criminall fees	L01000
To Daniell Jeniser for accomodacõn for the counsell in courts	L04303
To Richard Moy for accomodacõn the upper house this assembly	L04329
Ditto Moy for accomodacõn lower house this Assembly	11945
To Robert Ridgely Clerke of the Lower House	L02500
To Peeter Every for writing	L00200
To Garret Vanswaringen for accomodacõn to jury men	00273
To Richard Moy for two Drummers this Assembly	00300
To Richard Moy for Accomodacõn untill the Assembly breaks up.	02075
To Ditto Moy for the aforesaid Counties expenses by the Delegates thereof	00426
	26925

To the Inhabitants living in Calvert County

To Cap^{t} Generall for Purchaseing powder for the Sasquehanocks	L05000
To Charles Botelor clerke of the comitte and Doore Keeper	00800
To John Rowsby clerke of the upper house	02500
To Richard Moy for the afforesaid countys expenses by the Delegates thereof 568	08300

Kent County.

To Richard Moy for the Delegates expenses thereof	L0458

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To Inhabitants Living in Ann Arundell County

To the widdow of Capt Thomas Stocket concerning Tithables	L01279
Rich: Moy for the afforesaid counties Expenses by their Delegates	L01005

Charles County.

To Richard Moy for the expenses thereof	L0426

To the Inhabitants living in Baltemore County

To the Estate of Frances Wright	L01416
To Herman Williams Interpreter in the Indian Warr	00600
To Richard Moy for the afforesaid Counties expenses by the Delegates thereof	00110

To the Inhabitants in Talbot County

To Wm Stevens of great Choptancke for his chardge in the Indians warr	02403
To Richard Moy for the afforesaid Counties Expenses by the Delegates thereof	00916

Somerset County

To Richard Moy for the Delegates Expences	0142

To the Inhabitants Living in Dorchester County

To Thomas Tayler Sheriffe of the said County concerning Tithables	00714
To Thomas Taylor for Last years of Taxable to be Leavied in the County	02428
To Richard Moy for the afforesaid counties expenses by the Delegates thereof	00390

Debt Due from the Publique

To St Maries County	L26925
To Calvert County	L08300
To Ann Arundell County	L01279
To Baltemore County	L02016
To Talbot County	L02403
To Dorchester County	L00714
	L41637
To the severall Sheriffes for Collection	04163
	45800

Debts Due from the Publique last sessions of Assemble	83942	P. R. O. Colonial Entry Book No. 53
	129742	

Tythables within the Province

	lbs tob
In St Maries County 868 at 23 p pole	L19964
In Calvert County 1028 at 23	L23644
In Kent County 0257 at 23	L05911
In Charles County 0726 at 33	L16928
In Talbot County 0785 at 33	L18055
In Ann Arundell County 784 at 33	L18032
In Somerset County 0386 at 23	L08878
In Baltemore County 0534 at 23	L12282
In Dorchester County 0263 at 33	L06049
5641	129743

To the Severall County Chardges for their Delegates

To S[t] Maries County	L0426
To Calvert County	L0568
To Kent County	L0458
To Ann Arundell County	L1005
To Baltemore County	L0110
To Charles County	L0426
To Talbot County	L0916
To Somerset County	L0142
To Dorchester County	L0390
	L4441
Debt due from the severall Counties last sessions of Assembly	21209
	25650

His Lordshipp willeth these be Lawes

Charles Calvert

Memorandum these Lawes passed the great Seale the 27[th] day of October MDCLXXI.

Philip Calvert Canc:

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a session held at St. Mary's, May 19—*June* 6, 1674.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

At a Generall Assembly Begun & held at the Citty of S[t] Marie's the Twenty Seaventh day of March in the 39[th] yeare of the Dominion of Cæcilius &c. Annoq Dnj 1671: And there Continued untill the 19[th] of Aprill Ensueing & thence Prorogued untill the 10[th] day of October following & Continued to the 20[th] of the said Monthe & thence Prorogued again untill the 19[th] of this Jnstant May 1674. U. H. Journal original p. 1

On w[ch] day Appeared to the Upper House of Assembly the R[t] Hon[ble] Charles Calvert Esq Captaine Gen[l] the Hon[ble] Philip Calvert Esq Chancelor

Colonel William Calvert Principall Secretarie

Samuell Chew Esq. Baker B[rookes] Esq. Surveyor Gen[ll]

Tho[s] Truman Esq Jesse Wharton Esq Tho. Taylor Esq.

And alsoe on the same day & soone after Appeared the Deputies or Delegates to the Lower House of Assembly. viz[t]

S[t] Maries C. Cap. William Boreman, Colon. Jo: Jarboe, m[r] William Hatton, m[r] Thomas Dent

Kent C. m[r] Arthur Wright m[r] William Bishop

Anne Arrundel C. Cap. William Burgesse Cornelius Hiward Rob[t] ffranklin

Calvert C. Major Thomas Brookes Henry Darnel William Berry Ri. Hall

Charles C. Henry Adams Jgnatius Causeen Jo. Bowles

Baltemore Cap. Tho. Howel Jo. Vanheck & Dr. Jo. Waterton

Talbot C. Ri. Woolman Philemon Loyd Joseph Weekes William Hambleton

Somerset Paul Marsh Rob[t] Woolford

Dorchester Daniel Clarke Henry Trippe

Cittie of S[t] Maries Tho Notley Alderman, Rob[t] Carvile Record[r]

His Excelency having declared the Reasons of this Session desired them to goe to their House & Betake themselves to the Busines for w[ch] they met

U. H. Journal original

Mr Notley is Continued Speaker to the Lower House of Assembly

Richard Boughton was this day admitted Clerke of the Upper House of Assembly

The House is Adjourned till 9 of the Clock to morrow Morning

p. 2

Wednesday 20th of May The House met

Present as Yesterday except Mr Taylor & Mr Truman

This House received by the hands of Captaine William Boreman & Mr Loyd from the Lower House two Votes Relateing to Rangers & Ordinarie Keepers wch are as followeth vizt

20th of May 1674. Lower House of Assembly

A Member of this house Proposeth That Severall of the Jnhabitants of this Province have been much Jnjured in their Stocks by reason of Rangers driving away their Stocks into the Woods only in hope of having Pay for Bringing them up againe Voted That a Message be sent to his Excelency to desire him from this House tht his Excelency will not graunt any Licences to any manner of Persons whatsoever for the future without good Security for his good Abearance & making good all Such damages as anie Person shall Sustaine by reason of his Unlawfull Hunting & Ranging & tht his Excelencies Answer be desired in Writeing & be recorded in the Journall of the Lower House

Signed by ordr

Robt Ridgeley Clerke

A member of this house Proposeth the Jnconvenience of Multitudes of Ordinaries in by Places & from such Places where Courts are kept or upon the Roade to give Entertainmt to Passengers & Travelers &c. After the debate of the same in this House Resolved That this House send a Message to his Excelency in whom the Sole Power for graunting Licenses is to desire to know his Excelencies Pleasure if this House shall draw an Act tht noe Person in this Province shall have a License to keep Ordinary for the future but tht he shall give Bond to his Excelency with good Sureties that he shall keep foure good ffeather beds for the Entertaimt of Customers or four good flock beds besides his own for his own Private use & in any Place where the County Crt is kept Eight ffeather or fflock beds at the least and ffurniture Suitable & tht they shall Suffer noe drinking or gaming upon the Sabboth day & tht they Shall Act nothing against the Lawes of England or this Province

touching ordinary Keepers Jnneholders Alehouse Keepers or Keepers of Tipling houses U. H. Journal original

Signed by Ord^r^
Rob^t^ Ridgeley Clerke

Jn Answ^r^ to w^ch^ Votes This House Prepared the Messages following viz^t^ His Excelency the Captaine Gen^ll^ takeing into his Serious consideracō̄n the Vote & desire of the Lower House touching Licenses to be graunted to Rangers doth hereby give Assurance th^t^ noe License shall be graunted to any Rangers for the future without good Security for Indemnifieing any Person ag^t^ his unlawfull [Hun]ting & Ranging p. 3

Signed by ord^r^
Ri Boughton [Clk.]

His Excelency the Captaine Gen^ll^ hath Considered of the [Message] sent to him from the Lower house touching Licenses to [be Gran]ted to Ordinary Keepers & doth Likewise Assure [them for] the future th^t^ noe Licenses shall be graunted to [any Person] within this Province to keep ordinarie but care [shall be] taken th^t^ the Condicōns & Reservacōns desired by the [Lower] House in their s^d^ Message shall be inserted in each [Recogni]zance to be given by each Respective Ordinarie keeper upon takeing his License And Moreover th^t^ noe Person shall obtaine a License from his Excelency but such as by foure or more of his Lordships Commission^rs^ or Justices [in] each Respective County shall be Judged to be meet for such an Employm^t^ & thereof shall graunt a Certificate under their hands

Signed by ord^r^
Richard Boughton Clerke

The House is Adjourned till 2 of the Clock in the Afternoone

The House met again Present as in the Morning w^th^ M^r^ Truman & M^r^ Taylor

The House Adjourned till to Morrow Morning 9 of the Clock.

Thursday 21^th^ of May the House met

Present as yesterday except M^r^ Truman

Voted th^t^ a Message be Sent to the members of the Lower House to Know of them if they will Concurre w^th^ the Upper house in drawing up a List of such Lawes of England as are necessarie for his Lo^ps^ Judges & Justices of the Pro^all^ C^t^ to

U. H. Journal original Proceed upon in all Criminall Cases & in Preparing an Act Jmpowering & Enjoyning them to Proceed according to such Lawes ascertained by such a List

Mr Taylor Sent wth the Messages Prepared yesterday touching Ordinarie Keepers & Rangers & wth the Message touching the List of the Lawes

An Answr to the Message Touching the List of the Lawes is Retorned from the Lower House by Mr Weekes & Mr Hatton as followeth vizt

Voted tht the Message of the Upper house touching the List of Lawes of England touching Criminall Cases is Necessary & tht a Message be Sent to the Upper house to desire them to
p. 4 Appoint some Members of their house to Joyne wth some of this house in a Comittee for drawing a List & Bill as the Upper house hath desired & the Lower house with all Jmaginable Gratitude Retorne their Thanks to his Excelency for his gracious Condescension to the Request of this House touching Ordinary Keepers and Rangers and this house doth Acquiesce wth his Excelencies Resolucon therein

Signed by ordr
Robt Ridgley Clerke

Baker Brooke Esq sent to the Lower house to know whether they will be Readie in the Afternoone to Joyne in Comittee for drawing up a List & Bill for Lawes in Criminall Cases & Retornes wth the Clauses following vizt That they will Consider of the same & Retorne an Answr by a Member of their own house

The said Answr is Retorned by Mr Bowles & Mr Darnell as followeth vizt Upon the Message from the Upper house to desire this house to Appoint time when this house would Appoint some members to Joyne in a Comittee wth some members of the Upper house for drawing up the Bill & list of such Lawes for Criminalls out of the Lawes of England as they should Judge fitte Resolved that to morrow morning this house doe Appoint Sixe members to Joyne wth such members of the Upper house as they Please to appoint to be a Comittee to consider thereof in such time & place as they Please to signifie

Signed by ordr
Robt Ridgeley Clerke

The Secretary was sent to the Lower house to know whether they will Consent tht all persons employing Jndians to kill Wolves shall be Allowed the same encouragement as other Persons killing Wolves themselves & if they doe Consent tht such their consent be recorded

The House is Adjourned till 2 of the
Clock in the Afternoone

The House met Present as in the Morning w^th^ M^r^ Truman U. H. Journal original

Upon the Message sent last from the Lower house about the Appointing sixe members to meet to morning w^th^ such as this house should appoint about the drawing a list of Lawes out of those of England &c. This House Resolves th^t^ the Hon^ble^ Chancel^or^ Thomas Truman Esq Samuel Chew Esq & D^r^ Jesse Wharton be appointed by this House to meet & Joyne w^th^ those to be appointed by the Lower house to morrow morning at eight of the Clock in the inner roome of the Upper house

M^r^ Darnel sent w^th^ the Resolve of the Lower house th^t^ all Persons employing Jndians to kill Wolves shall be allowed the same encouragem^t^ th^t^ other Persons have who kill wolves themselves, & th^t^ his Excelencie be desired That this Vote when Entered on record in both Houses may be a sufficient License to anie persons to employ Jndians to kill Wolves & th^t^ his Excelency would be Pleased to Transmit his Pleasure p. 5 herein to this house

M^r^ Darnel Sent w^th^ the Message following from the [Lower] House viz^t^ This house Concurres w^th^ the Upper [house in their] Vote as to time & Place & doe appoint M^r^ Rob^t^ Carvile [M^r^] Philemon Loyd M^r^ Henrie Adams M^r^ John Vanhack [M^r^] William Hatton & D^r^ Jo. Waterton members of [this house] to wait on the Hon^ble^ Chancelor & the rest of the members [to] make up a Comittee to Consider of the busines above recited

Signed by ord^r^
Rob^t^ Ridgeley Clerke

His Excelency doth by Baker Brooke Esq^r^ signifie his Pleasure to the Lower house th^t^ the Vote touching the Encouragement of Persons Employing the Jndians to kill Wolves be [recor]ded in both Houses & th^t^ the Record thereof be a sufficient [Licence] to anie Person to Employ Jndians to kill Wolves

Voted by this House th^t^ the Lower House be requested to [pre]pare a Bill enjoyning the repaire of the high ways at M^r^ Allens mill at the head of Wickcocomico to be done at the Equall Charge of both Counties of S^t^ Maries & Charles County & Likewise for a Bridge to be made over the Maine Swamp of Saccaia, the same being Conceaved very Comodious for all Persons Traveling from the Upper Parts of Charles Countie to S^t^ Maries but especially for the Sherrifs & other Persons who are Comanded by his Lop. Writts to make their appearance at the Pro^all^ C^ts^ w^ch^ they are utterly disabled to doe upon any great Raines & flowing of the ffreshes thereby in the other way

Signed by ord^r^
Ri. Boughton Clerke.

U. H. Journal original

Majr Brooke & Mr Causeen sent wth the Resolve of the Lower House as followeth vizt

Resolved thr a Message be Sent to his Excelency & the Upper house to know whether they will Consent to the Abridgmt of the Long & tedious proceedings of the Ct of Chancerie this house Conceaving thr the tediousness of Proceedings there hath been very prejudiciall to manie Jnhabitants of this Province thr have or may have busines in thr Court and thr if his Excelency & the Upper house doe therein Concurre thr they would please to signifie by a message to this house whether this house shall offer what is Necessary in ordr to a regulacōn of the sd Proceedings to the Upper House or whether his Excelency & the Upper house please to transmitt wt is necessary to be done in thr Affaire to this House

Signed by ordr

Robt Ridgeley Clerke

Read in this house an Act Entituled an Act concerning the Jmpaneling the Grand Jnquests in the several Counties within this Province. Passed & Voted to be read the second time

Baker Brooke Esq Sent wth the following Request vizt Upon the debate of the message sent from the Lower house to this house touching the regulacōn of Proceedings in Chancerie Jt
p. 6 is Resolved thr the Lower house be requested to propound some Certaine rules for the regulacōn of the sd Proceedings to be Considered of by this house

Signed by ordr

Ri. Boughton Clerke.

Mr Taylor sent by this House wth the following Vote vizt Voted thr those who shall be found willfully to burne ffences Shall be lyable to the same penalty as the Willfull Burners of Houses & thr this Vote be sent to the Comittee appointed for drawing up the List of Lawes for Proceedings in Criminal Cases

Signed by ordr

Ri. Boughton Clke.

On which Vote was Endorsed an Ansr as followeth & sent by Mr Hambleton & Mr Bishop vizt This House doth Concurr wth the Vote of the Upper house within mencōned & thr the Vote be Sent to the Comittee as within is directed

Signed by ordr Robt Ridgeley Clke

Mr Truman sent wth the following Vote of this house vizt

Voted thr Hogstealing by adjudged ffelony & the first Offence only to be allowed the Benefit of Clergie, & the Second Offence to be Felony without Clergie

Signed by ordr Ri: Boughton Clke

The Concurrence wi^th^ which Vote was Sent from the Lower house by Major Brooke & M^r^ Darnell in the Wordes following viz^t^ This House doe Concurre wi^th^ the Upper house and doe desire th^t^ the Comittees of both houses may draw up a Law for th^t^ Purpose U. H. Journal original

Signed by ord^r^

Rob^t^ Ridgley Clke.

The following Vote of this house was sent to the Lower house by M^r^ Chew and M^r^ Truman Viz^t^ Voted by this house th^t^ the Rates set upon the Several Liquors sold by Ordinarie Keepers be taken of This House Conceaving th^t^ the underrating of the s^d^ Liquors hath been the sole Occasion of the Sophisticacon of Liquors & the excessive rates the Ordinarie keepers have Charged for the same And it is also Voted by this house th^t^ noe Rates or Prices of anie Accommodacons be set or Ascertained but of such only as are of absolute necessity for Sustaining & Refreshing of Travelers (th^t^ is to Say) Horse meate mans meate Small Beare & Lodging & it is further Voted by this house th^t^ noe Ordinarie keeper shall give Credit to any ffreeman not being a ffreeholder & depending only on his Labour for Satisfacon of his Debts for above 400^l^ of tobaccoe to be Paid in anie one yeare upon Penalty of Losing his whole debt whether by Bill or acco^t^

The House is Adjourned till 9 of the Clock to Morrow morning

ffriday the 22^th^ of May The House met p. 7

Present as yesterday

The Members of this house appointed to Joyne in [Committee] w^th^ the members of the Lower house doe goe forth

In Answ^r^ to the Vote of this house touching Ordina[ry] Keepers M^r^ Loyd & M^r^ Hall are sent by the Lower [house] w^th^ the following Message Viz^t^ This house doth Concu[rr with] the Upper house in the within Specified Vote & Ord[ered th^t^] the Upper house be desired th^t^ the Comittee of both houses [draw] up a Bill to th^t^ Purpose to be sent to morrow morning to the Upper house

Signed by ord^r^

Rob^t^ Ridgeley Clke

This House recv^d^ by the hands of Cap. Burgesse & M^r^ [Hall] the following Resolve of the Lower house Viz^t^ Resolved [by] this house th^t^ a Bill be drawne by the Comittee That all Serv^ts^ of what age soever th^t^ are hereafter brought into this Province be in Sixe Monthes after their Arrival in this

U. H. Journal original Province Carried to the County Crt where the Master of such Servt Liveth & there by the Crt be examined Whether they have anie Indentures or not & if they doe not Produce them or make some Sufficient Proofe of his Bargaine wth his Master for the time he Pretends he Came in for That thereafter such Servt shall have noe Benefit of anie Indenture or Certificate he shall Produce afterwards but be Adjudged to serve according to his age And in Case the Master of the Servt do not bring the sd Servt within the time afores^{d} to the Crt unlesse he can shew Sufficient Cause to the Contrary as some Lawfull hinderance by Sicknes or otherwise the Master to be fined One Thousand Pounds of tobaccoe to be disposed to the Publick Charge of the County & tht the Court upon notice of any such default or Lapse of anie such master are to Sumon him before them to Answr the same & upon Proofe thereof to ffine him accordingly

Uppon the Back of wch Resolve was Endorsed Another Resolve in the Words following vizt The Vote within Specified Reassumed & Voted tht if the Master doth not the first Crt Produce Indenture & agreemt wth the Servt for a Longer time then the Servt adjudgeth he hath to serve the Servt shall not be bound to Serve Longer then the Crt then Judgeth him all though a ffirme Indenture should be Produced afterwards by the Master

Signed by ordr

Robt Ridgeley Clke.

The Upper house doe Consent to this Vote above Specified Provided the Lower house will Consider of some Expedient agt an Inconvenience wch is Conceaved will arise in such Case where the Servt by Accident hath Left his Indenture in England & Can not get a Retorne thereof within the time Limited
p. 8 or where by undue meanes the Master shall get the Servts Indenture out of his hands & thereby debarre him of the Priviledge of Shewing the same to the Crt to the greate wrong & Injurie of the Servt in either Case

The House is Adjourned till the Afternoone

The House met Present as in the morning except the Members upon the Comittee

A Proposall of a Member of the Lower house Whether or no it may not be necessarie That a lawe be made tht all People tht live remote from the Water side having dealt for their tobaccoe wth anie merchr or others be not Obliged to bring it to some Convenient secure place within halfe a mile from the Water side & within a week after it is recd Resolved in the

Affirmative & thⁱ the Comittee of this house draw up a Bill for thⁱ Purpose wᵗʰ a Provisoe thⁱ the Comissionʳˢ of the Respective Counties appoint the Places where these houses are to be built Provided there be noe houses Convenient allreadie & thⁱ the Upper house be desired to Concurre wᵗʰ this house in this Vote & send their Answʳ to this house U. H. Journal original

The above vote delivered to this house by Captaine Burgesse & Mʳ Weekes

An Answʳ to the Last message of this house touching the Limitacōn of Servᵗˢ times was Returned from the Lower house as followeth vizᵗ Upon the Returne of the above sᵈ Answʳ from the Upper house Put to the Vote Whether the former Law now in force Limiting Servᵗˢ times wᵗʰ addicōn of Certificates from the Registers Office in his Maᵗⁱᵉˢ Kingdomes & dominions to be equivalent wᵗʰ Indentures be Sufficient or whether a new one should be made according to the Preceding Votes Resolved thᵗ the Ould Law be Continued & the addicōn aforesᵈ be added.

Signed by ordʳ
Robᵗ Ridgeley Clerke.

This House desireth the Secretarie to Signifie to the Lower house the Evils & Inconveniences thⁱ have been found to Attend the Allowance of Certificates from the Registers Office wᶜʰ is desired by the Lower house to be made an Addicōn to the Act intended to be drawne for the Limitacōn of Servᵗˢ times

In the Record for Lands Lib. 10ᵗʰ ffo. 264 is Contained thus.—

September the 17ᵗʰ 1662. Laid out for William Battin of this Province Planter a Tract of Land Lyeing in Charles County Called Battins dales on the West side of Wickocomico River & on the West side of Saccaia Swamp, being about a mile north from the Land Called daniels mount to be held of the Mannour of Saccaia Beginning at a Marked Oake upon a Hill by a greate Swampe neare a Cow Path Called Saccaia Path Bounding on the West by a Line drawne North & by west for length three hundred Twentie Pearches to an Oake by a Runne side in a Swampe on the North by a Line drawne East & by north from the sᵈ Oake for breadth ffive Hundred Pearches on the East by a Line drawne South & by East from the end of p. 9 the East & [by North] line for Length Three Hundred & Twentie Pearches [on the] South by a line drawne West & by South from the end [of the] South & by East line unto the first marked oake Con[taining &] now Laid out for a Thousand acres more or lesse

Robᵗ Clerke Sur[veyʳ]

U. H. Journal original

The Members of this House appointed for the Comittee [do] Retorne

Upon Request of the Captaine Genll to all the members [of] this House That they would give their Opinions where they Conceave the Beginning of the Certificate here above [should] be They declared these Wordes Vizt Beginning at a [mar]ked Oake upon a Hill by a greate Swampe neare a Cow Path called Saccaia Path to be the Beginning of the [said] Certificate & the foregoing wordes to be noe Essential [part] of the Certificate but only Serving as a direction to find [out] the Land therein Contained.

The following Resolve of the Lower house delivered by Captaine Burgesse Vizt Upon Reading of an Act for Explanacon of an Act for Secretaries fees Resolved tht the fee for the Search be but foure Pounds of tobacco in tht yeare only in wch the Search is made & if any Search be made for Tenne yeares then for Search ffourty Pounds of Tobaccoe after the Rate of 4ls p annum And for all Searches above 10 yeares noe fee above 40ls of tobaccoe To wch Resolve & Vote of this house they desire the Concurrence of the Upper house

Signed by Ordr
Robt Ridgeley Clerke

This house have Considered of the sd Resolve & doe Concurre wth the Lower house therein

Signed by Ordr
Ri. Boughton Clerke.

The House is Adjourned till 9. of the Clock to morrow morning.

Saturday 23th of May The House Met

Present as yesterday after the Retorne of the members from the Comittee

The ffollowing Vote sent downe by Mr Truman Vizt That the Mattapany & Patuxon Indians doe Continue upon the Land on wch they now live it being the Quantitie of Seaven Hundred acres more or lesse according to Pattent & tht the same be Purchased by the Countrey of the Orphans of Major Jo. Billingsley to whom it now belongs the sd Billingsley having formerly Purchased it of the sd Indians & the Upper house doe desire the Concurrence of the Lower House in this Vote

Signed by Ordr
Ri. Boughton Clerke

Read in the House a Peticon Exhibited by Certaine Quakers as followes vizt

This Wee doe Lay before the Governr & his Councel & Assembly in the Wisdome of God to Consider of from us who are in Scorne Called Quakers U. H. Journal original p. 10

What we Can Say and doe in stead of an Oath It is in Obedience to Christs Comand tht we can not Sweare & take an oath & Christ or Lord & Saviours Comand is I Say unto you Sweare not at all Though in the old time they were not to fforsweare themselues but performe their oathes to the Lord & the Lord Jesus Christs Comand is but Let your Comunicacon be yea yea & nay nay for whatsoever is more then these Cometh of Evil & St James Saith in his Genll Epistle to the Church of Christ Above all things my Bretheren Sweare not neither by heaven nor by the Earth nor by anie other oath Marke But Let your yea be yea & yor Nay be nay least you fall into Condemnation Now here ye may See tht Christ & his Apostle Setts up yea yea & nay nay over & above an oath & Swearing & in lieu of an Oath Soe in Obedience to Christ & the Apostles Comand it is tht We doe not & dare not Sweare least we should goe into the Evil & soe fall into Condemnacon as Christ & the Apostle Saith before but according to Christ Jesus & the Apostles Comand doe Keep to yea yea & Nay nay Wherein they doe double their words to make them of more force Christ Jesus to the desciples & the Apostle to the Church And now if tht when we are Called to Testifie the Truth or to Serve in anie Office or Place or Jurie if tht We doe Breake or yea yea or nay nay then let us Suffer the same Penaltie as they tht doe breake an Oath or are forsworne & this is not Repugnant to the Lawes of England haveing the same Penaltie upon the same Transgression for in Gemaica their Law is soe That or Brethrens Testimony upon yea yea & nay nay as Christ & the Apostle Comanded is taken & the same in the Acts & Province Lawes at Carolina & the same in the Pattent & Acts at Road Island & the same in the New Countrey of Jersey is taken instead of an oath Wch the Governr & his Councel & Assembly may by an Act of Assembly Let us have the same Liberty here as or Brethren have in other Places Colonies or Provinces tht we may not be Put to Inconveniences for you doe know what trouble often manie of us are Put to because We can not Sweare nor take an Oath & doe Lose or Rights & tht wch is due to us from others & how we have been made a Prey upon by manie because we cannot Sweare & have lost much in or Estates & Cannot be soe Serviceable in or Generacon to the Countrey as we might be & allsoe wt Trouble we have had who have been Overseers or Executrs or the like tht have been entrusted wth Orphans fatherles & Widdowes Estates or Wills for want of an Oath And therefore you having Power to Remedie these thinges by making an Act we doe

U. H. Journal original p. 11

Lay them before you & th^t if we doe breake o^r yea yea or nay nay in what we Testifie then Let us Suffer the same Punishm^t as they doe th^t Breake their Oath or Sweare falsely [And] this we are willing to Suffer who Professe faith in [Christ and] would have all th^t Professe the same to exercise a [Conscience] void of Offence towards God & men Soe you may [remove this] Opression if you Please & let us have the same liberty [th^t our Friends] and Brethren have in other Countreys & Islands as [Wee are] Credibly Informed whose hands are hereunto Subscribed [in the] Behalfe of o^r Brethren

Wenlock Chriterson — Jo. Homeard
William Berrie — Ri. Beard &c.

Ordered by the house That the Peticōn here above [be sent] to the lower House & Offered to their Consideracōn

Lower house 23. May 1674. Upon this Paper sent to this house from the Upper house relateing to those People who in scorne are Called Quakers Resolved th^t the Paper be againe Retorned to the Upper house & th^t his Excelency & Upper house would be Pleased by a message to this house to Satisfie them Whether both houses have Power to alter the forme of the Oath Provided by the Lawes of England in point of Evidence between the King & his People & between the Lord Proprietary & the People of this Province & between Subject & Subject in matters depending within this Province or not

Signed by Ord^r
Rob^t Ridgeley Clerke.

Upon the Resolve of the Lower house touching the Paper sent to them relateing to the People Called Quakers It is Resolved by this house th^t the s^d Paper Remaine upon the Journall till further advice from the R^t Hon^ble the Lord Proprietary his Excelency declaring That his Lordship hath formerly had Intentions of Gratifieing the desire of the s^d People Called Quakers in th^t kind but hath Signified his Pleasure to him th^t all Proceedings therein be for the Present Suspended till his Excelency shall Receave further Comands

Signed by Ord^r
Ri. Boughton Clerke.

Read an Act Entituled an Act for Impaneling the Grand Inquests the Second time Passed & Voted to be read the 3^d time.

Captaine Burgesse sent by the Lower House w^th the following Vote viz^t The Comittee being Present in the house & the Act for deserted Plantacōns being read Voted That this house

Supplicate his Lordship by Peticōn th^t^ he would be Pleased to Assure his Rents some other way then by Escheating Lands in soe short a time as three yeares for the Non Paym^t^ of Rent & th^t^ his Lordship would be Pleased to take noe advantage by anie forfeiture th^t^ is not actually Escheated allreadie by virtue of the Law for deserted Plantacōns & th^t^ the Upper house would be Pleased to Concurre w^th^ this house therein & th^t^ his Excelency be desired untill such time as his Lordships Pleasure be knowne therein to Surcease anie further Prosecucōn upon th^t^ lawe & further th^t^ all Persons may have Liberty to Sue out their graunts for their Lands the Rights being good though the Certificate be of never soe long Standing & the Land not yet actuallie escheated & th^t^ for the time to come all Instructions th^t^ his Lordsh^p^ shall Please to Transmit to the Govern^r^ or other Officers about Land may be Published & Recorded in the respective County C^rts^ within Sixe monthes after the s^d^ Instructions shall come to the hands of the s^d^ Govern^r^ or other Offic^r^ U. H. Journal original p. 12

Signed by ord^r^
Rob^t^ Ridgeley Clerke.

The House is Adjourned till Munday
morning 9. of the Clock

Munday the 25^th^ of May The House met

Present as on Saturday except M^r^ Truman

Read the first time an Act Entituled an Act declaring how the C^rts^ in this Province shall Proceed in Criminall Cases Passed & Voted th^t^ this Act be sent to the Lower house to be Considered of by them & th^t^ their Concurrence therein be desired

This House rec^d^ by the hands of M^r^ Hatton & Cap. Boareman an Answ^r^ to their Vote touching land for the Mattapanie & Patuxon Indians as followeth viz^t^ The Vote within Specified being this day read in this house Voted That this House doe not thinke fitte to Concurre w^th^ the Upper house in their Vote as to th^t^ Land of Billingsleys for the s^d^ Indians & for reason for this vote the House doe humbly Offer th^t^ it is an Orphans Land & noe Person as yet th^t^ it can be Purchased of th^t^ it will make an ill President in the Countrey for the Indians upon everie small dislike will desire other land to be Purchased for them

Signed by ord^r^
Rob^t^ Ridgeley Clerke

Read the first time an Act entituled an Act Concerning Ordinarie Keepers Passed & voted to be sent downe The Peti-

U. H. Journal original cõn of Dr Richard Tylhman was Exhibited to this house & Ordered to be sent downe to the Lower house & the Result of their debate thereon is Signified to this house by Mr Dent & Mr Darnell as followes vizt Came in the Peticõn of Richard Tylhman from the Upper house for Eighteen Thousand five hundred Sixtie foure Pounds of wch he ownes only Sixe Thousand to be Paid This house is unsatisfied as to the Proceeding of the Upper house of Assembly the last Session as to the Busines then in dispute between the Peticonr & Nicholas Brookes & doe Humbly Conceave tht in the yeare 1669 the sd
p. 13 Tylhmans accot was fully Satisfied or at least he allowed what the Assembly thought fitte in full of his sd Accot & for their further Satisf[action d]esire the Upper house to Send a messenger of their [own to] this house to Acquaint them wt they thinke fitt [to be done] in this busines Upon wch this house will further [Consider and] Returne their Resolve to the Upper house according[ly]

Signed by ordr

Robt Ridgeley Clerke

Ordered tht Mr Chew goe to the Lower house & Satisfie what he knowes Concerning the sd Peticõn of Richard [Tylhman] Voted tht Honble Chancelor & Secretary goe to the [Lower] house to Offer the Reasons of this house Why it is ne[cessa]rie tht the Indians should have the Land of Billingsley Allotted them & to desire tht they would further Con[sider] of it

The following desire & Vote of the Lower house Signified to this house by Mr Loyd vizt The Act Prohibiting the Importacõn of horses Geldings & mares &c [read] & Voted by this house tht it be revived & tht his Excelency & the Upper house be desired to Concurre wth them therein & tht his Excelency would be Pleased to graunt noe more Licenses to anie Person whatsoever for the Importacõn of any horses &c. upon any Pretence & tht his Excelency would be Pleased to Supersede his License for tht Purpose to Cap. Hugh Oneall

Signed by ordr

Robt Ridgeley Clerke.

Voted tht this house doe Concurre wth the Lower house in the sd Vote Provided only tht it shall be Lawfull for the Governr to License anie of the Inhabitants in Virginia Whether sent hither by ordr of the Governmt there or Coming upon their own private Occasions to import their Horses into this Province wch are to remaine here noe longer then during their Attendance upon the sd Publick or Private Busines

Read in the Lower house the Act touching Court dayes & Voted to be Repealed

U. H. Journal original

Act for Extent of Attachm^ts^ read & to be Repealed
Act Touching Paym^t^ of debts read & to be repealed
Act Touching Pagans read & to be repealed
Act ag^t^ ffugitives read & to be repealed & th^t^ a new Law be made th^t^ noe Person Transport anie Person ffree man or others out of this Province without a Passe under the hand of the Govern^r^ of this Province then th^t^ such Person th^t^ soe Transports anie Person out of this Province shall be Lyeable to Pay all the s^d^ Persons debts he soe Transportes out of the Countrey & in Case anie Person transports a Serv^t^ then to Satisfie such Serv^ts^ master his damages th^t^ he shall make appeare ag^t^ him Ordered th^t^ upon Reading the Act for Secretaries fees a Message be Sent to the Upper house to desire th^t^ they would Concurre w^th^ this house in Repealing all Lawes for Secretaries p. 14 fees & th^t^ a new law be made for the whole
Act Providing what shall be good Evidence upon Bills bonds & Specialties Coming out of England & other Parts & allsoe the Act Providing what shall be good Evidence to Prove forreign debts both Read & Voted th^t^ the Act Providing w^t^ shall be good Evidence to Prove forreign debts th^t^ the Last Clause therein th^t^ Enjoynes where Persons being both dead Bills Bonds &c of twelve yeares standing should not be Pleadable Voted th^t^ that Clause be repealed
Act Concerning Outlawries Read & Voted to be Repealed

Signed by Ord^r^
Rob^t^ Ridgeley Clerke

Upon debate of the Votes above Specified it is Resolved by this house th^t^ the Hon^ble^ Chancelor & Secretary goe to the Lower House desiring them to Offer their reasons for Repealing the Severall Acts within Specified th^t^ this House may Consider of the same & Signifie their resolve therein & th^t^ they will Prepare a new Law for the Secretaries fees to be Likewise Considered of by this house

Signed by ord^r^
Ri. Boughton Clerke.

The House is Adjourned till the Afternoone.

The House met in the Afternoone Present as in the morning.—

The following vote delivered by the Lower house to M^r^ Taylor & by him to this house viz^t^ The Paper from the Upper house about Billingsleys Land read & the debate thereupon reassumed upon w^ch^ it is Voted by this house th^t^ a Message be sent to his Excelency th^t^ Whereas this house is Informed th^t^

U. H. Journal original there is Opposite to the s[d] Land some Land th[t] is not as yet taken up w[ch] is as Convenient for the Indians as th[t] Land of Billingsleys Therefore Humbly to desire his Excelency th[t] he would be Pleased to Appoint the Indians a habitac̄on upon th[t] Land they humbly Conceaving th[t] to force anie to sell their Land upon the Humour of the Indians may Prove of dangerous Consequence to the Province in generall as being too much Condescention of his Excelency to them & Sheweth too much of feare to disoblige them

Signed by ord[r]
Rob[t] Ridgeley Clerke.

An Answ[r] to w[ch] vote was retorned by two members of their own house viz[t] Major Brooke & M[r] Hatton as followeth viz[t] It is desired by this house th[t] the Lower house will more Particularly informe this house where the Land said by them to be Opposite to th[t] of Billingsleys is Scituate & lyeing

Came into the House by the hands of Major Brooke D[r]
p. 15 Tylhmans Petic̄on & acco[t] wherein the Countrey stood indebted to him 25[th] May Lower house This House [having] fully examined the Acco[t] within Specified & find[ing th[t]] Jo. Taswell hath Paid him 3390[lbs] of tobaccoe [and that his] Excelency & Councel have Paid him 6000[lbs] of tobaccoe [more] It is the Judgm[t] of this house th[t] the s[d] Tylhman [hath] rec[d] full Satisfac̄on for every Particular of the [Account] within written

Signed by Ord[r]
Rob. Ridgeley Clerke

This House doth Concurre w[th] the Judgm[t] & Opinion of [the] Lower house & doe ord[r] D[r] Tylhmans Petic̄on & Account [to] be delivered to him

This House rec[d] from the Lower house by Major Bro[oke] & M[r] Hall the Answ[r] to their last message about Billingsleys land as followeth viz[t] Upon the within written message from the Upper house this house declares th[t] the Land meant by them to Lye opposite to Billingsleys Land is Part of the Ridge mannor

This House having Considered the Vote of the Lower house touching the Land of the Orphans of Major Billingsley desired by the Mattopanie Indians doe Vote th[t] the s[d] Indians shall have the s[d] Land of Billingsley or else be removed to some Part of the Land on the other side of the Creeke w[ch] they have not Sold according to their desire to the Govern[r] & Councel in Case they might not have the Land from Billingsleys Orphan & doe further Vote th[t] the s[d] Indians shall not be Seated or removed to the Land upon the Ridge mannor Ordered th[t] the Secretarie be desired to Carrie this Vote to the Lower House viz[t] Voted by this house th[t] an Act be Prepared to

Lay an Imposition upon the Severall Liquors hereunder Specified at the rate as followeth viz[t] U. H. Journal original

	lbs
Upon everie Gallon of Island Wine	3. tob p gall.
Upon everie Gallon of Rhume	5
Upon everie Gallon of Molassos	2
Upon Sider Imported	5
Upon Quince drinke Imported	5
Upon Perrie	5
Upon all Strong Beare imported	5

The Lower house by M[r] Loyd & M[r] Darnel doe Signifie to this house the Reasons for repealing the Lawes following viz[t]

The Act touching C[rt] dayes the Reason for the Repeale is first because it mentions only 2 Counties Book of Lawes ffo. 2 Secondlie That there are Severall other Lawes th[t] have Provided & Prefixed C[rt] dayes for the whole Province Booke of Lawes Pag. 80

An Act for the Extent of Attachm[ts] & Execucōns the Reasons for the Repeale is th[t] there is another Act for the same purpose Bodie of Lawes ffo. 143 ffo. 2

An act touching Paym[t] of debts the Reason for the Repeale is th[t] it is fullie Provided for in the Statute of Limitacōns Booke of Lawes fo. 131. ffo. 3

An act touching Pagans the Reason for the Repeale is There is another Law th[t] fullie Provides for that fo. 18. ffo. 3 p. 16

An act ag[t] Fugitives the Reason for the Repeale is th[t] there are Severall Lawes ag[t] Runawayes th[t] make Sufficient Provision for the same ffo. 14

An act Providing what shall be good evidence for Bills Bonds &c. Coming out of England fo. 90 The Act Providing what shall be good Evidence to Prove forreign debts hath made Sufficient Provision for th[t] w[ch] is in folio 153. ffo. 90 153

An act for Outlawries the Reason for the Repeale is because it Cannot be Practised here & the Act for Attachm[ts] fo. 153. hath fullie Provided for this

Signed by ord[r]
Rob[t] Ridgeley Clerke.

The Upper House Concurres w[th] the Lower house for the Repeale of the s[d] Lawes for the reasons here above given

Signed by ord[r]
Ri. Boughton Clerke

The House is Adjourned till to morrow morning.

U. H. Journal original

Tuesday 26th of May The House met

Present as yesterday wth Mr Truman

The House is Adjourned till 2 of the Clock in the Afternoone

The House met in the Afternoone

Present as in the morning

Marieland ss. Memorandum That the 16th day of May in the 42th yeare of the dominion of Cæcilius &c. Annoq Dni 1673 Came Jo. Balley by Robt Ridgeley his Attorney before the Honble Philip Calvert Esq Chancelor of this Province & Prayed his Lordships Writ of error to him the sd Jo. Balley to be graunted to the Justices of his Lordships Proall Court to be directed to Require them the sd Justices of the sd Proall Court to Send before his Lop in his Upper house of Assembly at his Lordships Citty of St Maries the 26th day of the same May the Tenor of the Record & Proceedings & Judgmt of the sd Proall Court in a Cause lately there depending between one Certaine Reymond Stapleforte Plaintife & the sd Jo. Balley Deft in a Plea of debt and it is graunted unto him The tenor whereof followeth in these words vizt Cæcilius Absolute Lord & Proprietarie of Maryland & Avalon Lo. Baron of Baltemore &c. To the Justices of or Proall Crt of or sd Province of Maryland Greeting Because in the Record & Processe as allsoe in the Rendring of Judgmt & graunting of Scire facias thereupon before you in or sd Court agt Jo. Balley at the Suite of Rey-
p. 17 mond Staplefort in a Plea of debt manifest Error hath happened to the grea[te] damage of the sd Jo. Balley as by the greate Complt [of the sd] Jo. Balley we have receaved We willing tht the E[rror (if any] be) should in due manner be Corrected & full & Sp[eedy] Justice to be done to the sd Parties in this behalfe [we] Comand you tht if Iudgmt thereof be rendred then the [Record] & Processe of the Judgmt & Scire facias aforesd wth [all] thinges touching or Concerning the same to us in or Upp[er] House of Assembly at or Cittie of St Maries on the [ ] day of or sd Assembly being the 26th day of May next under yor hands & Seales distinctly & openly you send [that] Inspection being had of the Records & Proceedings therein We may Cause further to be done what of Right & according to the Lawes & Constitucons of this or Province ought To be done therein & tht you Cause the sd Reymond Stapleford to be Sumoned to be then & there to heare the same & allsoe tht you have there this writ Witnes or Selfe at or Citty of St Maries the 16th day of May in the 42th yeare of or Dominion over or sd Province Annoq dni 1674

At wch sd 26th day of May Charles Calvert U. H. Journal original
Philip Calvert William Calvert & Baker Brooke Justices of the sd Proall Court to his sd Lordship in his Upper house of Assembly at his Lops sd Cittie of St Maries the Transcript of the Records of the Proceedings & Judgmt of the sd Proall Crt under their hands & Seales have sent according as by the sd Writ they were Comanded the Tenr whereof followeth in these wordes vizt

Marieland ss. The Proall Court of the Rt Honble Cæcilius Absolute Lord & Proprietary of the Province of Maryland holden at his sd Lops Cittie of St Maries the Eigth day of December in the 37th yeare of his Lordships Dominion 1668

Jo. Balley Petioneth the Crt tht Whereas he is Arrested to this Crt at the Suite of Reymond Stapleford & for tht the sd Reymond Stapleford when the Peticonr was out of the Province did by virtue of an Attachment Procure into his hands severall Papers & accompts of the Peticonrs wch were left in the hands of one Thomas How from whom they were taken by one Richard Collet gent late Sherrife of Calvert County & not yet returned to the Peticonr whereby he is disarmed from defending himselfe agt the Suite of the sd Reymond Stapleford the sd Papers having relacon to the same Whereupon Ordered tht the Sherrife doe deliver unto the sd Jo. Balley the sd Papers soe taken by him upon the sd Attachmt

Reymond Stapleford plt } Morecroft p Quer }
Jo. Balley Defendt { Rozer p deft { The defendt still alleadgeth tht his Papers are out of his Possession wth wch he must defend himselfe agt the Plaintife

It is Ordered tht the Defendt have time till the next Crt to Put in his Plea & further ordered tht the defendt doe remaine in the Sherrifes Custodie untill he shall Put in Securitie for his appearance at the next Proall Crt & to stand to & abide the Judgmt of the sd Crt in all Suites depending between the Plaintife & the sd defendt p. 18

The Attorneys of Reymond Stapleford Plf agt Jo. Balley defendt enters Caveat vizt That noe Security be taken of the sd Balley untill notice be first given by the Sherrife of St Maries to the sd Attorneys to Like & Approve of the same

The Proall Court of the Rt Honble Cæcilius Absolute Lord & Proprietary of the Province of Maryland holden at the Cittie of St Maries before the Justices of the sd Crt the 9th day of ffebruary in the 37th yeare of the Dominion of his Lop over the sd Province Annoq Dni 1668

Charles Calvert Esq Leivtent Genll } Jerome White } Esqs
Philip Calvert Esq Chancelor { Baker Brooke } Jus-
Col. William Evans } tices

U. H. Journal original Reymond Stapleford plt } Morecroft p Quer }
Jo. Balley Defendt } Rozer p deft } This Cause

Respited from the last Crt when Ordered tht the deft doe Put in his plea this Crt wch is as followeth

And the sd Jo. Balley by Benjamin Rozer his Attorney Comes & defends the force & injurie when &c. and Saith tht the sd Reymond ought not to have his acon afores^{d} agt him because he saith the Bond alleadged is not his deed

Benjamin Rozer

And the sd Reymond saith as formerly he hath said tht the Writing is the deed of him the sd Jo. Balley & of this he Puts himselfe upon the Countrey And the sd Jo. Likewise Therefore Ordr is given &c

The defendt in Open Crt Confessed the bond to be his deed Wherefore Judgmt Passed for the Plaintife

Mr Robt Ridgeley 12th of March 1673.

Let a Writ of Scire facias issue agt Jo. Balley at the Suite of Reymond Stapleford to Shew Cause why Execucon should not be issued agt him the sd Balley for Two Thousand Pounds sterling for wch the sd Stapleford Obtained Judgmt in the Proall Crt agt the sd Balley upon a Bond the 9th of ffebruarie 1668

Charles Calvert

Cæcilius &c. to the Sherrife of St Maries Countie Greeting Whereas at a Proall Court held at the Cittie of St Maries before the Justices of the sd Crt the 9th day of ffebruarie in the 37th yeare of or Dominion over or sd Province Annoq dni 1668 in a Suite depending between Reymond Stapleford Plaintife & Jo. Balley defendt the sd Plf recovered agt the sd Balley defendt Judgemt for the Sume of 2000lbs Sterl & for tht Execucon hath
p. 19 not thereupon issued We Therefore Comand you tht by good & Lawfull men of yor Bayliwick you m[ake known] to the sd Jo. Balley tht he be before or Justices of [our next] Proall Crt to be held at the Citty of St Maries the [14th day] of Aprill next to Shew Cause if anie he have [why] Execucon should not Issue forth agt him upon the s[ame Judgmt] & how you shall execute this Writ you make knowne to [ ] Justices & have you there this writ Witnes or Deare so[nne] Charles Calvert or Captaine Genll & Cheife Justice [of our] sd Province the 13th day of ffebruary in the 42th yeare &c Annoq dni 1673.

Maryland ss. At a Proall Crt of the Rt Honble Cæcilius &c. held [at] St Maries on Tuesday the 14th day of Aprill in the [42d] yeare of his Lordships dominion &c. Annoq dni 1674 [&] there Continue untill the Eighteenth day of the same

Monthe before his Lo^ps^ Justices thereunto Assigned [on] w^ch^ s^d^ fourteenth day were Present U. H. Journal original

The Hon^ble^ Charles Calvert Esq Captaine Gen^ll^ & Cheife Justice

The Hon^ble^ { Philip Calvert Esq Chancelour
William Calvert Esq Principall Secretarie
Baker Brooke Esq Justice

Reymond Stapleford ag^t^ / John Balley } It was Co̅manded the Sherrife of S^t^ Maries County That Whereas at a Pro^all^ C^rt^ holden here the 9^th^ day of ffebruary in the 37^th^ yeare of the dominion of Cæcilius &c. in a suite depending between the Plaintife & defend^t^ the s^d^ Plaintife recovered ag^t^ the defend^t^ Judgm^t^ for the Su̅me of 2000^ls^ sterling & for th^t^ Execuco̅n had not thereupon Issued th^t^ by good & Lawfull men of his Bayliwick he make knowne to the s^d^ Jo. Balley th^t^ he be & appeare here this day to Shew Cause if anie he could why Execuco̅n should not issue forth ag^t^ him

At w^ch^ day to wit the Eighteenth day of Aprill in the 42^th^ yeare of the Dominion of Cæcilius &c. Came the s^d^ Sherrife & Retornes to the Court here th^t^ he hath made knowne unto the s^d^ Jo. Balley as the Writ Requires him in the Presence of Jo. Warreck Charles Delaroche & Peter Delaroch & the s^d^ Jo. Balley came Likewise

And the s^d^ Jo. Balley Shewing noe sufficient Cause to the C^rt^ here It is Co̅manded the same Sherrife th^t^ he take the s^d^ Jo. Balley &c. & him safe in his Custodie keep soe th^t^ he Have his Body here the Twelfth day of May next to Satisfie the s^d^ Reymond the Judgm^t^ aforesd^d^

At w^ch^ s^d^ 12^th^ day of May the same Sherrife Retornes the writ afores^d^ & Saith th^t^ he hath taken the s^d^ Jo. Balley whose Bodie he hath at the day and place as the writ Requires p. 20

Uppon the Petico̅n of Jo. Balley th^t^ in ffebruary C^rt^ 1668 he had Judgment ag^t^ him at the suite of Reymond Stapleford for 100^ls^ Sterling & through the mistake of the then Clerke the Judgm^t^ was Entered for noe Certaine summe to be Received ag^t^ w^ch^ Judgm^t^ the Peticon^r^ preferred his bill in Chancery to w^ch^ the s^d^ Stapleford Answ^rs^ upon Oath & therein ownes the s^d^ Judgm^t^ to be but for One hundred Pounds Sterling & in December C^rt^ 1670 the Peticon^r^ then Compl^t^ & the defend^t^ being upon Arbitraco̅n their Attorneys let the s^d^ Cause in Chancery be discontinued since w^ch^ the s^d^ Stapleford falsely informing his Excelency th^t^ the s^d^ Judgm^t^ was for Two Thousand Pounds Sterling Procured ord^r^ for a Scire facias ag^t^ the Peticon^r^ to shew Cause why Execuco̅n should not issue for 2000^ls^ Sterling

U. H. Journal original Retornable last Crt & the Peticonr appearing & having noe Attorney put in noe plea to the Scire facias whereupon Execucōn is since issued for 2000lbs Sterl

Ordered tht a Writ of Error be graunted to the Peticōnr Retornable in the upper House of Assembly the Twentie Sixth day of this Instant month of May

Signed	Charles Calvert	Sealed
	Philip Calvert	Sealed
	William Calvert	Sealed
	Baker Brooke	Sealed

And the same day to wit the 26th day of May aforesd before his sd Lop in his sd upper House of Assembly came the aforesd Jo. Balley by the sd Robt Ridgley his Attorney & Assigneth for error as followeth (viz:)

That in the Record & Processe aforesd & in the Rendring of Judgmt aforesd & graunting Scire facias thereupon it is manifest erronious in this tht the Writ of Capias issueing out of his Lordships Proall Crt upon wch the sd Jo. Balley was arrested doth not appeare upon Record nor any memorandū or notice thereof taken but only mencōned in the Peticōn of the sd Balley to his Lops Justices of the Proall Crt the 8th of December 1668. Whereas the sd Writ of Capias ought to have been duely entered upon record tht the sd Bally or his Attorney might have had recourse thereto & if to them it should have seemed Convenient they might have Pleaded in Abatemt of the sd Writ

Allsoe it is Erronious in this in tht it is said The defendt still alleadging tht his Papers are out of his Possession &c. It is Ordered the defendt have time untill the next Crt to Put in his Plea &c & further tht he doe remaine in the Sherrifes Custody &c. Whereas it doth not appeare in the Record whether the sd Balley appeared upon his bayle or whether he was by the
p. 21 Sherrife brought to the Barre in Case he did not give Speciall Bayle or other [wch in the] Record is not mencōned then a Comittitur in due for[m ought] to have been Entered nor doth there appeare up[on the Record] any Imparlance of the sd Balley to the next Crt [wch in Case] he filed not his Plea then ought to have been Cra[ved by him] & taken notice of upon Record

Allsoe It is Erronious in this in tht it is said This [Cause] Respited &c. And then is Entered the Plea [of the] sd [Jo.] Balley Whereas after the Imparlance & Comittitur before Specified the declaracōn of the sd Stapleford agt [the] sd Balley should have been entred upon the Record wch [sd] Declaracōn as allsoe the Capias aforesd is wholly omitt[ed] whereby it is Impossible to know upon what Bond or for what sume the sd Balley was sued by the sd Staple[ford] or to what Bond the sd Balley Pleaded the sd Plea of non ẽ ffactum.

Allsoe it is Erronious in this in th^t^ after the Issue was Joyned it is not mencō̄ned When the Venire facias went out or when Retornable nor to what Sherrife directed nor is it entered upon record more then Wherefore order is given &c. U. H. Journal original

Allsoe It is Erronious in this in th^t^ in the Record it is said The Defend^t^ in Open C^rt^ Confessed the Bond to be his deed Whereupon Judgm^t^ Passed for the Plaintife Whereas there is noe mencō̄n of the appearance of both Parties & the time when to heare Judgm^t^ nor is there any mencō̄n made Whether the s^d^ Jurors were Retorned or appeared or not w^ch^ since by the Record is signified th^t^ a Venire or Ord^r^ was given out for a Jury there ought to have been some mencō̄n made of the Retorne thereof & since non ē factum by the Rules of the C^rt^ is a Proper Plea to a Bond though the s^d^ Balley did not denye but Owne the s^d^ Bond to be his hand yet the s^d^ Cause should have come to tryall & by the Rule of the Court the s^d^ Balley ought & was bound to plead th^t^ Plea & might give the speciall matter in Evidence w^ch^ he was not Allowed to doe but as soone as he had Owned the s^d^ bond to be his hand Judgm^t^ was given for the s^d^ Stapleford without ever hearing w^t^ the s^d^ Balley had to Offer as Speciall matter in Evidence, w^ch^ was this, The s^d^ Bond was for 2000^lbs^ Sterl from the s^d^ Balley to Stapleford w^th^ a Condicō̄n for to Stand to Arbitracō̄n & Award & in Case of not meeting of the s^d^ Balley & Attending the Arbitrat^rs^ when they should Appoint to meete the s^d^ Balley to forfeit a 100^lbs^ Wherefore since noe Award was made by the s^d^ Arbitrat^rs^ the s^d^ Balley could not forfeit the s^d^ 2000^lbs^ & since It was never made appeare that Balley had anie notice of the meeting of the s^d^ Arbitrat^rs^ Judgm^t^ could not goe against the s^d^ Balley for 100^lbs^ Sterl. p. 22

Allsoe It is Erronious in this in th^t^ the Record doth not Ascertaine what Bond when dated or for what Summe the s^d^ Bond was th^t^ the s^d^ Balley Confessed to be his deed soe th^t^ if the s^d^ Stapleford should Comence his Action anew ag^t^ the s^d^ Balley upon the very bond w^ch^ he then & there Confessed the s^d^ Balley by Reason of the uncertainties afores^d^ Cannot Plead the s^d^ Judgm^t^ in barre thereof

Allsoe It is Erronious in this In th^t^ the s^d^ Judgm^t^ is for noe Certaine Sum̄e but wholly uncertaine & dubious & alltogether void in lawe by reason of the Uncertainty thereof as in the Record it is said Whereupon Judgm^t^ past for the Plaintife whereas it ought to have been mencō̄ned in this manner Wherefore it is Considered by the Co^rt^ here th^t^ the s^d^ Reymond Recover ag^t^ the s^d^ John as well the s^d^ Sum̄e of
his debt afores^d^ as allsoe the Sum̄e of
for his Costs &c.

Allsoe the s^d^ Writ of Scire facias was manifestly erronious

U. H. Journal original in th^t^ the same was Surruptitiously Obtained by false Informacōn of the s^d^ Stapleford to his Excelency the Captaine Gen^ll^ Cheife Justice of the s^d^ C^rt^ pretending the s^d^ Judgm^t^ was for 2000^ls^ sterl whereas he well knew there was noe such Judgm^t^ as for 2000^ls^ sterl. & th^t^ in his Answ^r^ in Chancery the s^d^ Stapleford had sworne the s^d^ Judgm^t^ was but for 100^ls^ sterl & had not the s^d^ Stapleford falselie informed his Excelency & by such false Insinuacōn Procured his Excelencies ord^r^ mencōned in the Record to the Clerke the s^d^ Scire facias by reason of the Uncertainty of the s^d^ Judgm^t^ could never have been sued out by anie Attorney who ought to have sued out the same

And Hereupon the s^d^ Jo. Balley Saith th^t^ in the Record & Processe & allsoe in the Rendring of Judgm^t^ afores^d^ & Issueing out the Scire facias thereupon is manifestly Erred as the s^d^ John hath Sufficiently made Appeare in alleadging the Errors afores^d^ by him in forme afores^d^ alleadged & the s^d^ John Prayeth th^t^ the Judgm^t^ afores^d^ together w^th^ all the Processe thereupon for those errors & others in the record & processe afores^d^ alleadged be Revoaked ad nulled & held for nought & th^t^ he the s^d^ John to all those thinges w^ch^ he by Occasion of the Premises hath Lost may be Restored & th^t^ the s^d^ Reymond to the
p. 23 s^d^ Errors may Answ^r^ Wherefore &c

Rob^t^ Ridgeley p Quer

Allsoe the same day, to wit, the 26^th^ day of May [afores^d^] before his s^d^ Lo^p^ in his upper house of Assembly [came] the afores^d^ Reymond Stapleford by George Thompson [his] Attorney to Plead to the s^d^ Errors. Whereupon is Ordered by the s^d^ Upper house of Assembly That [there] be a hearing of the Cause on Munday next.—

Read an Act Entituled an Act for Quieting Possessions of such whose Evidences are Imperfect or totallie Lost & Voted to be sent downe—

In Answ^r^ to a Paper of the 23^th^ of May sent to this House by the Lower house touching the Repeale of the Act concerning deserted Plantacōns & for the Surceasing of all prosecucōn upon th^t^ Law It is Thought fitte th^t^ the Secretary be desired to give Answ^r^ thereunto by word of mouth who goeth forth accordingly

An Answ^r^ to the Vote of the Upper house for the Act Entituled an act declaring how the C^rts^ in this Province shall proceed in Criminall Cases is Retorned from the Lower House by M^r^ Richard Hall & M^r^ Dent as followeth

The aboves^d^ Bill being read Voted th^t^ the same is unnecessarie to be Considered by this house since they doe humbly Conceave th^t^ the Lawes of England ought to be esteemed & Adjudged of full force & Power within this Province & in Case the former Act for Proceedings at Law be anie waies deficient This house

are Willing to Joyne w^th^ the upper house in Amending or Altering the same U. H. Journal original

Signed by ord^r^
Rob^t^ Ridgeley Clerke.

The House is Adjourned till 9 of the Clock to morrow morning.

Wednesday the Twenty Seaventh of May

The House met.—

Present as yesterday except the Chancelour

Read the second time an Act Entituled An act for Impaneling the grand Inquests Passed & Voted to be read the third time

The Hon^ble^ the Chancelor Enters the house This house Rec^d^ from the Lower house by the hands of Major Brookes & M^r^ Thomas Dent the following Answ^r^ to their Vote for Imposition upon Liquors viz^t^ The said Vote of the Upper house being read and after a long debate thereupon had Voted p. 24 th^t^ it is not necessary

Signed by ord^r^
Rob^t^ Ridgeley Clerke

Read the second time in the Lower House the Act for Amending the Waies out of Charles Countie to the Cittie of S^t^ Maries & Upon debate thereof Voted th^t^ one way be made over Saccaia Swampe & th^t^ to be by M^r^ Allens Mill or within two miles above it at the discretion of the Justices of the Peace in both Counties & this House doe thinke the Way by his Excelencies house at Saccaia unnecessary for the present & if the Upper House Pleaseth to Prepare a Bill to this Effect This house are readie to Concurre w^th^ them in it or if they Signifie their Concurrence w^th^ this House in this Vote This house will Prepare a Bill to be drawne up accordinglie

Signed by ord^r^
Rob^t^ Ridgeley Clerke.

M^r^ Woolman & M^r^ Waterton sent w^th^ the following vote viz^t^ Put to the Vote Whether it be necessarie to Purchase the Land of Billingsleys Orphans for the Indians or Rent it for five yeares for them or not. Resolved by the Major Part th^t^ the Land be Rented for ffive yeares of the Orphans of Billingsley till some other Expedient may be found for further Settlement for the Indians & th^t^ the Rent be Paid at the Charge of the Province & th^t^ the Upper house would Please to transmit their Opinions to this House what Sum̄e is necessarie to be given

U. H. Journal original to the Orphan of Billingsley for Satisfacōn for the Rent of the s[d] Land for 5 yeares as afores[d]

The Bill for Quieting Possessions read in the Lower house and after debate thereupon had Voted th[t] there is a law for Quieting Possessions (Bodie of Lawes fo. 193) allreadie w[ch] this house Judgeth to be Sufficient

Signed by Ord[r]
Rob[t] Ridgeley Clerke

Read in this house an Act Concerning Ordinarie keepers the second & third time & Passed.

Sent to this house from the Lower house the Peticōn of Pope Alvey humbly Imploring the Lower house to intercede in his behalfe to the Govern[r] for his Lordships Pardon of a Certaine felonie whereof he had stood convicted severall yeares & was Repreived by his Excelencies Grace & favour Upon w[ch] Peticōn was endorsed as followeth viz[t] Upon reading this Peticōn in this house voted (Nemine Contradicente) That this House
p. 25 doe Peticōn his Excelencie in the behalfe of the s[d] Alvey to graunt the s[d] Alvey his Lordships Pardon [& they] doe hereby Peticōn his Excelency accordingly

Signed by ord[r]
Rob[t] Ridgely [Clerke]

This house debating upon the Exception made by the [Lower] house to the Act Entituled An act declaring how the Courts in this Province shall Proceed in [Criminall] Cases doe Signifie their Opinion to the [Lower house] Concerning the same in manner as followeth Viz[t] [This] house knowes of noe Law th[t] determines the Procee[dings] in Criminall Cases in this Province the Act Concern[ing the] Proceedings at Law Relating only to Cases of Meum & Tuum & therefore Judge it better to Sett[le] the Proceedings in Criminall Cases by this new Law then to Leave those Cases in the doubtfull Condicōn they would stand in were they Put into the same Case the Comon Pleas are in by the Act Concerning proceedings at Law

The House is Adjourned till 2. of
the Clock in the Afternoone.

The House met in the Afternoone

Present as in the morning

Captaine Burgesse & M[r] Loyd sent w[th] the following Vote from the Lower house viz[t] Upon the Looking over of the Temporary Lawes of this Province in this House & upon reading of the title of an Act for Building of a State house & Prison

& this takeing into their Consideracõn as well the greate Want of a Prison in this Province as allsoe the decay of this present Court or State house & Office It was therefore Voted by this house thᵗ a Message be sent from this house to his Excelencie to acquaint him thᵗ they thinke it necessarie thᵗ a State house Prison & Secretaries Office be Speedily erected at the Publick Charge in such Part or Place of the Province as his Excelency shall thinke fitte to Appoint & humbly to desire his Excelency to Signifie his Pleasure therein to this House thᵗ Provision may by them be made for the Erecting of such buildings for the use aforesᵈ in such Place as his Excelency orders accordingly U. H. Journal original

Signed by ordʳ

Robᵗ Ridgely Clke.

Resolved thᵗ a message be sent to the Lower [house to] know of them Whether the Buildings mencõned [in the] above Message shall be of Brick & when the [said work] shall be first entered upon & Mʳ Taylor & Mʳ [Truman] sent wᵗʰ the sᵈ Resolve.— p. 27

Mʳ Dent & Mʳ Darnell sent by the Lower house w[ᵗʰ an] Answʳ to sᵈ Resolve as followeth Vizᵗ [Resolved] thᵗ the Buildings be of Brick & to be [begun wᵗʰ] all Expedicõn

Mʳ Chew & Doctʳ Jesse Wharton sent to the Lower house with the following message vizᵗ In Answʳ to the Vote of the Lower house touching the State hou[se] the Governʳ thinkes fitte to make Choice either of [Sᵗ] Maries or Anne Arrundel County & therefore des[ires] to Know Whether the Burgesses of either of those Counties he shall make Choice of will be willing to undertake the building a Convenient dwelling house of Brick for himselfe to Reside in his Excelency Conceaving it most necessary thᵗ his Being be nigh the Place Appointed for the dispatch of Publick Busines

Signed by ordʳ

Robᵗ Ridgely Clerke.

Baker Brookes Esq sent wᵗʰ the following Answʳ to the last message of the Lower house about Billingsleys Land vizᵗ It is the Judgmᵗ & Opinion of this house thᵗ the sᵈ Land be Leased to the Indians at three thousand Pounds of tobacco ꝑ annum

Touching the Act for Impaneling the graund Inquests this house doth Conceave it were better to strike out the Wordes vizᵗ That the Respective Sherrifes shall take Speciall Care because the Act wᵗʰ these wordes is not Positive enough as the Case requires and without these Words this house will Passe the Act if the Lower house Concurreth

The Act for the Surveyor Genᵉˡˡˢ fees being read in the Lower house Voted there thᵗ the same be revived wᵗʰ an

U. H. Journal original Amendm^{t} th^{t} upon all Resurveys the Surveyo^{r} Gen^{ll} have double fees according to the Late Proclamacō̄n from his Excelencie & th^{t} the Upper house be desired to Concurre wth this house in this Vote

Signed by ord^{r}
Rob^{t} Ridgely Clerke

An Answ^{r} to the Last Message of this house touching the Vote of the Lower house Concerning deserted Plantacō̄ns is
p. 29 Returned by M^{r} Dent viz^{t} This house humblie desires his Excelencie th^{t} the Answ^{r} to this Pap[er delive]red to this house by the Secretarie by Word of m[outh may] be sent to this house in writing

Voted by the Lower house th^{t} the Act for Proc[eedings] at Law be amended & th^{t} it Comprehend all Cases as [well] Criminall as Civil the Lower house wholly dissenting [to] the Bill for Proceedings in Criminall Cases & th^{t} [upon] Amendm^{t} of the former Law there be a [Saving made] for the Act Concerning Religion now of force [in the] Province & all other Lawes th^{t} are now or shall be hereafter of force in this Province not Repugnant [to] the Lawes of England

Signed by Ord^{r}
Rob^{t} Ridgely Clke.

Baker Brooke Esq desired to goe wth the ffollowing Message to the Lower house viz^{t} As to the desire of the Lower house th^{t} this house will give in Writing their Reasons for not Concurring wth them in the Vote sent in touching the Act for deserted Plantacō̄ns & their Request thereupon It is Conceaved by this House th^{t} noe Expedient can be found by his Lordship how his Rents shall be soe effectuallie Secured as they are & have been by this Act for deserted Plantacō̄ns & th^{t} to Supplicate his Lo^{p} to Repeale this Act w^{ch} formerlie was Procured & Passed for the good & at the onlie Request of the People of this Province & w^{ch} since through the Neglect & Carelesnes of Severall Persons Concerned in Lands hath given his Lordsh^{p} some Considerable advantage would be a greate Presumption in the Govern^{r} & this house & be verie ill taken & Resented by the Propriet^{r} from his sonne this House having nothing from the Lower house to deliver to his Lordship to Induce him to Receave Requests of this nature This in Answ^{r} to the first second & third Request in th^{t} Paper

As to the fourth this house doth Conceave th^{t} the Proclamacō̄n issued out in Secretarie Boughtons time was Sufficient favour to such as made use thereof while it was in force And th^{t} the Govern^{r} cannot Answ^{r} the dispensing wth his Lordships Condicō̄ns of Plantacō̄n for anie Omissions of People since th^{t} Proclamacō̄n expired

ffor Answr to the Last the Governr doth assure the Lower house tht all Instructions directed from the Proprietr to him Concerning Land for the future shall be Published according to their desires U. H. Journal original

Signed by Ordr
Ri. Boughton Clke.

The Peticon of Jo. Lytchington exhibited to this house sent to the Lower house wth the Endorsemt as followeth vizt This house doth Conceave the Province is Obliged to Pay the Peticonr Lytchington the tobaccoe & moneys Recovered by him agt Maultby because there was noe Prison Provided in this Province for Securing Prisonrs for debt & therefore doe desire the Lower house to Concurre wth this house in Raising the sd 20000lbs of tobaccoe & 120lbs Sterl by an Equall Assessmt upon the People of the Province p. 30

Signed by ordr
Ri. Boughton Clerke.

The debate touching Billingsleys Land againe Reassumed by the Lower house & Voted tht 2000lbs of tobaccoe p annum for 5 yeares Provided the Indians stay on the Land soe long be Paid to Billingsleys Orphans & immediatelie after the Removall of the Indians from the sd Land this Rent to Cease & the Indians to be turned of the sd Land at ffive yeares end Provided the Orphans & the Indians shall not agree between themselves to the Contrarie

In Answr to the Vote of the Lower house touching the Surveyor Genlls fees this House doth Concurre wth the Lower house therein

An Answr to the Last Vote touching Billingsleys Land was retorned to the Lower house as followeth vizt This house doth not thinke it Just nor Safe to force the Indians of from tht Land being once permitted to take footing thereon & tht therefore the Orphan ought to have 2000lbs of tobaccoe allowed him yearely by the Countrey till the Assembly shall thinke fitte to Purchase the Land of the Orphan

Captaine Boreman & Major Brookes doe Signifie to this House tht the Lower house doe Conceave their former Answr sufficient Whereupon Resolved by this house tht noe further notice be taken of the Votes touching the sd Billingsleys Land

The House is Adjourned till ffriday
Morning 9. of the Clock

On ffriday the 29th of May the House met

Present as on Wednesday

This house Recd from the Lower house by the hands of Mr Dent a Paper Containing as followeth vizt A motion made

U. H. Journal original p. 31

by a Member of the house That Whereas his Lord^{p} hath by Two Severall Instruments under his hand & [Seal] Assented unto Eighteene & Twelve lawes in all [thirty th^{t}] the house Petic$\bar{o}$n his Excelencie th^{t} he will Satisfi[e this] House Whether the Lord Proprietarie since One [Thousand] sixe Hundred & fifty nine hath assented to anie [more] Lawes and if he hath then th^{t} his Excelencie would [Inform] this house to what Lawes his Lordship assented & Cause [his] Lo^{ps} Assent to be entered upon record & this house [do] Petic$\bar{o}$n his Excelencie accordinglie

In Answ^{r} whereto his Excelencie Returneth th^{t} [he know]eth of noe lawes assented to by the Lord Propriet^{r} but what are mentioned in the Bodie of the Lawes & there [may] be found

Put to the Vote in the Lower house Whether Lytchington [ought] to be Releived upon his Petic$\bar{o}$n or not & Voted necessarie th^{t} he be releived as the house shall thinke fitte. The house Orders him to be allowed 20000^{lbs} of tobaccoe in S^{t} M[aries] Charles & Calvert Counties next time the Publick leavie is laid to be borne by an Equall Assessm^{t} upon all the Taxable persons in this Province

Signed by Ord^{r}

Rob^{t} Ridgely Clerke.

This House doth Concurre wth the Lower house in the vote touching Lytchingtons Petic$\bar{o}$n & Judge it fitte th^{t} the s^{d} Lytchington be Satisfied the Sum$\bar{e}$ of tobaccoe allowed him by the Lower house & in the Way & manner wherein they have appointed the same to be Paid Still Provided th^{t} he have his Remedie at Law ag^{t} Maultby for his whole debt in such manner as if nothing had beene allowed him upon his s^{d} Petic$\bar{o}$n

Signed by Ord^{r}

Ri. Boughton Clerke.

Major Brooke & Captaine Boreman brought a vote of the Lower house th^{t} a message be sent to this house to desire them to Joyne two or more of their members wth the Com$\bar{i}$ittee of the Lower house to make a Com$\bar{i}$ittee of both houses for the drawing up of Lawes & other busines to be done by the votes of both Houses The Names of the Com$\bar{i}$ittee of the Lower house are M^{r} Rob^{t} Carvile Cap. Philemon Lloyd M^{r} Thomas Dent Cap. William Burgesse M^{r} Richard Woolman M^{r} Daniel Clerke M^{r} William Berrie & Cap. Thomas Howel

This House doe thinke fitte to Resolve themselves into a Com$\bar{i}$ittee & desire th^{t} the Lower house will give notice when their Members will be readie

M^{r} Taylor & M^{r} Truman sent to desire the Lower house to Consider of the dangerous Consequences w^{ch} will of necessitie happen by this houses Condescending th^{t} all Lawes in England

should be in force in this Province for the tryall of Criminalls without some Reservacõn to Consider of the Conveniences of this Province The Lawes of England being in those Cases especiallie soe Voluminous & often times are Repealed without o^r^ knowledge Therefore this House desires the Lower house to take into their serious Consideracõn how unsafe it will be for the Judges of this Province to Proceed ag^t^ Criminalls by anie such uncertaine Lawes & Therefore it is the desire of this house th^t^ the Lower house will Consider of soe manie of the Lawes of England for the Proceedings afores^d^ th^t^ the Judges may be ascertained of such their Proceeding Besides the Consideracõn of such Lawes as may be in force w^ch^ if unknowne to this Province may be of dangerous Consequence U. H. Journal original p. 32

M^r^ Hatton & M^r^ Bowles doe Signifie to this House the Concurrence of the Lower house in the Preceding Vote

Ordered th^t^ this House be Resolved into a Comittee to Joyne w^th^ the members appointed by the Lower house

M^r^ Taylor desired to Signifie to the Lower house the Concurrence of this house w^th^ them in their last vote for amending the Waies in Charles County & to desire the Lower house to Prepare a bill as they shall thinke fitte

[Vo]ted by this
[house] th^t^ noe
[Rum Molasses]
[Sugar fflour]
Malt wheate
[B]arley, Beere]
[Cyder] Perrie or
[Qu]ince drinke
[be] Imported from
New England new
Yorke or Virgi-
nia into this
Province &
the S^d^ Vote sent
downe by M^r^
Truman

The House is Adjourned till the Afternoone

The House met Present The Govern^r^ Baker
Brooke Esq D^r^ Jesse Wharton

The Hon^ble^ Chancelor Enters after the Sitting of the house

The House is Adjourned till 9. of the Clock to morrow Morning.—

U. H. Journal original

On Saturday the Thirtieth of May the house met

Present the Hon^ble^ Govern^r^ Chancelor, M^r^ Brookes M^r^ Truman M^r^ Chew M^r^ Taylor

In Answ^r^ to the Vote of this house Prohibiting Liquors the Lower house doe Concurre in the s^d^ Vote & doe desire this house to draw a bill for th^t^ Purpose & th^t^ a Reasonable time be allowed th^t^ all Persons may take notice thereof

Signed by ord^r^

Rob^t^ Ridgely Clerke.

The Com̄ittee of both houses doe retorne the following list of Lawes to be revived viz^t^

The Act for the gage of tobaccoe hogsheads fo.	83
The Act Prohibiting ground Leaves & seconds fo.	84
The Act for Registring Births Marriages & burialls	35
The Act appointing Certaine Offic^rs^ except the last clause for nominating Sherrifes	37
The Act Concerning Militarie discipline	39
The Act concerning the heigth of ffences	40
p. 33 The Act for Conveyance of all Letters th^t^ Concerne [the Publick	42]
The Act for Publicacō̄n of Marriages	[46]
The Act Imposeing a fee upon those who shall [be] married	[54]
The Act Concerning Indians	[54]
The Act Prohibiting Arrests on the Sabboth day	[63]
The Act for Amerciam^ts^ in Pro^all^ & County C^rts^	[74]
The Act for a Publick Notarie	[85]
The Act Prohibiting trade w^th^ the Indians for f[lesh	99]
The Additionall Act to the act for Publicacō̄n of marriages	[120]
The Act for Limitacō̄n of Actions to avoid suites of Law	[131]
The Act Provideing Sufficient ffraight for his Lordship	13[3]
The Act touching Coopers	182
The Act for Coron^rs^ fees	199
The Act for Sowing hempe & flaxe	211
The Act for mending the high waies	227
The Act for Killing Wolves	231
The Act for Preservacō̄n of Orphans estates	234

Voted th^t^ all the Lawes above Specified be Revived except the Act Prohibiting ground Leaves & seconds & the Act for the Publick Notary.—

Sent to this house Certaine Papers touching the Cynicoes Indians & the Way of Releiving them w^th^ Provisions Where-

upon it was the desire of this house th^t^ the Lower house will Appoint sometime on Munday morning to Conferre w^th^ this house touching the matters Contained in those Papers U. H. Journal original

M^r^ Darnell sent to Acquaint this house th^t^ the Lower house doe assent to the desire of this house above Specified & doe desire his Excelency to Signifie the houre & Place

His Excelencie desireth th^t^ the Conference be at 10. of the Clock on Munday morning in the Upper house.

The House is Adjourned till 2. of the Clock in the Afternoone.

The House met Present the Captaine Gen^ll^ Chancelor M^r^ Brookes M^r^ Truman M^r^ Chew & M^r^ Taylor

The Lievten^t^ Gen^ll^ haveing Receaved this day a Peticon Subscribed by some Members of both Houses as allsoe by severall others of the Countie of S^t^ Maries & haveing Likewise Rec^d^ therew^th^ an Obligacō̄n signed & Sealed by some of the Subscribers of the afores^d^ Peticō̄n for the performance of th^t^ w^ch^ he Requested upon a vote from the Lower House touching a State house Office & Prison to be erected of brick at the Countreys Charge To w^ch^ Request noe Answ^r^ being yet Retorned in Writeing the Govern^r^ therefore hath Considered the afores^d^ Peticō̄n & doth Signifie to the Lower house th^t^ he makes Choyce of the Towne Land at S^t^ Maries for the afores^d^ Buildings & doth desire th^t^ the Lower house will proceed in the Ordering & directing how it shall be Erected & this House is readie to Joyne w^th^ them therein p. 34

His Excelencie takeing into his serious Consideracō̄n the Peticō̄n & Mediacō̄n of the Lower house in the behalfe of Pope Alvey doth Signifie to the Lower house th^t^ upon their Request & desire he doth Willinglie Condescend to graunt the s^d^ Alveys Peticō̄n & th^t^ the s^d^ Alvey sue out his Lo^ps^ pardon

The House is Adjourned till 9. of the Clock on Munday morning

On Munday the ffirst day of June the house met

Present the Captaine Gen^ll^ M^r^ Brookes M^r^ Truman & M^r^ Taylor

Upon notice given by this house th^t^ they are Readie to Joyne in a Conference touching the Indians the Lower house w^th^ their Speaker came in to this house & after some debate the Question was Put to both houses Whether it be necessarie th^t^ a Peace be Concluded betweene the Cynicoes Indians & the English Resolved in the Affirmative, Nemine Contradicente, &

U. H. Journal original th[t] the manner thereof & Articles for the same be Considered of by this house & transmitted to the Lower house.—

Signed by Ord[r]
Ri. Boughton Clerke.

In Pursuance of the Vote for a Peace to be made w[th] the Cynicoes Indians passed at a Conference of both houses this day the Upper House have Voted That a Peace be by the Govern[r] made w[th] the s[d] Cynicoes Indians & forasmuch as th[t] Peace may bring a Warre w[th] the Susquahannoughs This house for the Securitie of the Province doe Vote th[t] an Act of Assembly be drawne up to Impower the Govern[r] & Councell to make Warre even without the Province & to Leavie the Charges of the s[d] Warre by an Equall Assessm[t] upon the Persons & Estates of the ffreemen of this Province anie form[r] Act or Law to the Contrarie hereof notwithstanding & doe desire the Concurrence of the Lower house to this Vote

The House is Adjourned till 2. of the Clock
in the Afternoone

The House met Present the Cap. Gen[ll] Chancelor Secretarie M[r] Brookes & D[r] Wharton

p. 35 The Vote of this house here above retorned w[th the] Endorsem[t] as followes viz[t] This House doe [Concurre] w[th] the Upper house in the within Vote & doe hum[bly de]sire th[t] they would be Pleased to draw up a Law [for that] Purpose

Read in the Lower house the Bill Prohibiting [the Impor]tacõn of Strong Liquors &c. Voted there th[t] [this Bill] Passe w[th] this Amendm[t] to wit, the t[ime to be Limited] untill the Twenty fifth of December next [& the Penalty] to be altered th[t] is to say, In stead of for[feiture of the] Vessels &c. to be the Goods for feited or [the] Value [there]of

This House doe Consent th[t] this Act doe Comence from the Twentie ninth of September next & will not admit of anie other Alteracõn

Voted by the Lower house th[t] a message be sent to this house to know Whether his Excelency or any other person th[t] they know of will undertake the Building of the State house Prison & Office.—

The Hon[ble] the Chancelor & Secretary being desired to goe to the Lower house & Satisfie this house Concerning the dimensions of the s[d] Buildings That they may be thereby Enabled to give Answ[r] to the Undertakers doe goe forth accordinglie.

A Proposall of a member of the Lower house Whether it be not necessarie to Build the State house Prison & Office at the Ridge & to Peticõn his Excelencie accordinglie for th[t] there are

severall Persons of Qualitie in Anne-Arundel County th^t^ will undertake to build a State house Prison & Office at their own Charge onlie to be Repaid by the Countrey when the Buildings are finished & to build a House for his Excelency at their owne Proper Costs & Charges Voted th^t^ it be necessarie & this House doe Peticōn his Excelencie accordinglie. U. H. Journal original

In Answ^r^ to w^ch^ Vote the Captaine Gen^ll^ Signifieth to the Lower house That he having by Writeing allreadie declared his Choice & the Publick faith being allreadie passed & Conceaving th^t^ this Last Paper is noe Answ^r^ to the last Message of this house touching the Buildings doth not thinke fitte to take anie further notice of the s^d^ Paper but th^t^ the Lower house be desired to Signifie to this House of what dimensions the s^d^ Buildings are to be & then some Persons will Offer themselves as Undertakers of the same.—

Read here an Act for the Limitacōn of Actions ag^t^ the Survey^r^ Gen^ll^ of this Province and Voted to be read the Second time.—

Brought in from the Lower house an Act to Reforme the Attorneys Councellors & Solicitors at Law in this Province p. 36

This Act Passed in the Lower house & Voted by this house to be engrossed

Read the Act for Repairing the high Wayes in Charles Countie Passed the Lower house and Voted by this house to be engrossed

Read the Act for Repeale of Certaine Lawes Passed the Lower house & Voted by this house to be engrossed

Reymond Stapleford by George Thompson his Attorney Came againe to defend the Errors assigned ag^t^ him by Jo. Balley haveing Craved Libertie of Speaking thereunto this present day being the first day of this Jnstant June On w^ch^ day allsoe Came Jo. Balley by Rob^t^ Ridgely his Attorney & Offered himselfe ag^t^ the s^d^ Reymond Stapleford of & upon the Errors afores^d^ And the s^d^ Reymond Stapleford Saith th^t^ the afores^d^ John Balley ought not to have had a Writ of Error ag^t^ him the s^d^ Stapleford Because he the s^d^ Balley ought to have Sued the same out before the Execucōn was served on him the s^d^ Balley but he the s^d^ Balley haveing Elapsed th^t^ Opertunity all th^t^ he the s^d^ Balley doth demand of the s^d^ Stapleford & the Upper house of this Present Gen^ll^ Assembly by Virtue of his Writ of Error if graunted will appeare as Erroneous as anie of the Pretended & Assigned Errors ffor Execucōn served in Law being the End & Period of the Law is like death w^th^ his Sum̄ons w^ch^ admittes of noe Bayle or releife. And Hereupon the s^d^ Stapleford Humbly Craveth the Judgm^t^ of the Upper house of this present Gen^ll^ Assembly.

Ordered th^t^ Judgm^t^ by Default goe ag^t^ the s^d^ Stapleford un-

U. H. Journal original lesse he mend his Plea by to morrow morning & the Present Plea not to be allowed of ag^t^ the s^d^ Errors

The House is Adjourned till 9. of the Clock to morrow morning

On Tuesday the Second day of June the house met

Present the Captaine Gen^ll^ the Secretary M^r^ Brookes M^r^ Truman M^r^ Taylor

The Chancelor Enters after the Sitting of the house

This House rec^d^ from the Lower house by the hands of Major Brookes & M^r^ Thomas Dent an Answ^r^ to the last Message of this house touching the Jmportacõn of Strong Liquors as followeth viz^t^ Upon Reading & debate upon this Bill this house doe not thinke fitte to Recede from their former Vote

p. 37 Read an Act Entituled an Act for the Securitie of the [Province] & Voted to be sent downe to the Lower house to be Con[sidered] of by them

The House is Adjourned till [2 of the Clock] in the Afternoone

The House met in the Afternoone

Present as in the Morning

Reymond Stapleford was Called & made his [Appearance] by Geo. Thompson his Attorney & Jo. Ba[lley Came likewise & appeared by Rob^t^ Ridgely his A[ttorney but the said] Stapleford did not Amend his plea according to the [Rule] given him the first day of this Jnstante June but made default Wherefore it is Considered of by the Upper hou[se] of Assembly That the s^d^ Errors be affirmed & th^t^ the Judgem^t^ (& Scire ffacias thereupon) Erroniously Obtained by Stapleford ag^t^ the s^d^ Balley be held for nought & to all Jntents & Purposes be Null and Void & the s^d^ John Balley to all those thinges w^ch^ by the s^d^ Judgm^t^ he hath Lost to be Restored And th^t^ the full Effecting of the Errors thereof may be done That the same be null and Void to all Jntents & Purposes whatsoever & the s^d^ Stapleford in Mercie for the Costs.

The House is Adjourned till 3 of the Clock

The House met Present the Captaine Gen^ll^ the Chancelor the Secretarie M^r^ Brookes M^r^ Truman D^r^ Wharton M^r^ Taylor

Retorne of Non ē Jnventus is made upon two writtes of Error sued out by Thomas Chandler & William Russel ag^t^ two

severall Judgm[ts] ag[t] them obtained by John Wells upon two severall Jnformacons & Ordered th[t] there be a Continuance of both Causes untill the next Assembly U. H. Journal original

The House is Adjourned till to morrow Morning 9. of the Clock

On Wednesday the Third day of June the house met Present the Cap. Gen[ll] Chancelor Secretarie M[r] Brookes M[r] Truman D[r] Wharton M[r] Taylor.—

D[r] Waterton & M[r] Vanheck doe Signifie to this house the dissassent of the Lower house to the Act Entituled an Act for the Securitie of the Province

Read the first time the Act ag[t] Burning of ffences & Voted to be read the second time

Read the first time the Act Concerning Taxable Persons & Voted to be read the Second time.—

Read the first time the Act Concerning Servants th[t] have Bastards & Voted to be read the second time p. 38

Read the first time the Act for Appointing Court dayes & Voted to be read the second time

Read the first time the Act for Payment of ffees due from Criminalls & Voted to be read the second time

Read the first time the Act for Sherrifes to take bayle & Voted to be read the second time

The House is Adjourned till 2. of the Clock in the Afternoone.—

The House Met Present as in the morning

M[r] Vanheck & M[r] Darnell bring from the Lower house a Proposall of a member of th[t] house Whether it be not verie necessarie for this house to take into Consideracon the great Charge & Weight of Governm[t] w[ch] Rests upon his Excelencies Shoulders & his Readines to Complie w[th] us being an Jntercessor for us to his ffather for the Gaining of Severall Rights & Jmmunities for this house & allsoe to secure o[r] Lives & fortunes ag[t] o[r] Enemies the Jndians And Whether We ought not to make a gratefull Acknowledgm[t] to his Lordship & Assure him of o[r] Loves to him by Setling the two Shillings p Hogshead upon his Excelencie after the death of the Lord Propriet[r]

Upon debate of this Proposall Voted th[t] the Jmposition of 2[s] p hhd be Continued to his Excelencie during the Terme of his naturall Life Provided th[t] in Case of Shipwrack or taking of anie Shippes th[t] the Tobaccoe be Lost then the Jmposition money to be Paid back or the Party have Libertie to Shippe

U. H. Journal original soe manie hogsheads of Tobaccoe againe & th^t^ all the Provisoes in the former Act remaine in force to w^ch^ this house desires the Concurrence of the Upper Upper house.—

Whereupon a Message was dispatched to the Lower house to Know of them Whether they intended the Allowance for Tobaccoe lost or taken shall now take Place or after the Lord Propriet^rs^ death Voted by the Lower house th^t^ it is the Intent & meaning of th^t^ house th^t^ it shall take Place Presentlie Otherwise noe Act for 2^s^ p hhd to Passe during his Excelencies Life according to the above Proposall

His Excelency Retornes Answ^r^ th^t^ he doth not thinke fitte to Accept of the s^d^ 2^s^ p hhd on such termes

The House is Adjourned till 9 of the
Clock to morrow morning

On Thursday the ffourth day of June the House mette

p. 39 Present the Captaine Gen^ll^ Chancelor, Secretarie M^r^ Truman & M^r^ Taylor

Severall Acts Read Passed & sent downe to [the Lower] House to be Engrossed

The Oath of a Privie Councelor to his L[ordship & of one] of his Lo^ps^ Justices of the Pro^all^ Court w[as admini]stred & taken by Colonel Nathaniel Utye

The House is Adjourned till [two of]
the Clock in the Afternoone

The House met Present the Capta [Gen^ll^] Chancelor,
Secretarie M^r^ Tru[man] M^r^ Taylor, Colonel Utye

This House Rec^d^ by Cap. Boreman & M^r^ W[eekes] a Vote of the Lower House as followeth viz^t^ Voted th^t^ a Message be sent to the upper house to Acquaint them th^t^ Captaine Loyd Cap. Burgesse M^r^ Dent M^r^ Hambleton & Cap. Howell are by this house appointed a Comittee to make up the Acco^ts^ of the Publick & draw an Act for the same & to desire his Excelencie to know Whether his Excelency and Upper house Please to Appoint anie members of their house to Joyne w^th^ the s^d^ Comittee of this house to make a Comittee of both houses to Jnspect the Acco^ts^ afores^d^ & if they Joyne anie then to send their Names

Ordered by this House th^t^ M^r^ Truman & M^r^ Taylor be desired to Joyne w^th^ the members of the Lower house Appointed to be a Comittee to make up the Acco^ts^ of the Publick

June 4th Lower House of Assembly U. H. Journal original

Ordered tht the members of this house Waite on the Members of the Upper house to morrow morning

Cap. Loyd Sent to Informe this house tht the Lower house have agreed wth Captaine Quigly for Three hundred Thousand Pounds of Tobaccoe to build the State house according to the dimensions drawne up in the Act for the same & to be Paid halfe when halfe done & the Rest when quite ffinished Allsoe the sd Quigley in the sd time & for the same Consideracōn is to build a Brick or Stone Prison of Twentie foure foote Long & Twelve foote Wide wth a Particōn in it & Loft & to ffinish all by the Last of October Come Two yeares or Else to forfeit his Worke & ffiftie Thousand Pounds of Tobaccoe for wch he is to give Security presently Allsoe this House doth Request tht the sd Quigley may have the benefit of Keeping the Prison for Seaven yeares

This House doth Concurre wth the Lower house in the agreement wth the sd Captaine Quigley here above Specified

The House is Adjourned till to morrow morning 9. of the Clock.—

On ffriday the fifth day of June the house met p. 40

Present the Cap. Genll Chancelor Secretarie
Mr Truman, Mr Taylor, Colonel Utye.

Read in this House a Peticōn Exhibited by Captaine Hugh Oneale Humbly Praying a License for Importacōn of Horses from New yorke into this Province & upon the sd Peticōn an Endorsemt from the Lower house as followeth Vizt Voted tht this House Peticōn his Exelency to Graunt the Peticonr Hugh Oneale a License to Jmport Ninety Eight Horses between this & the last of August into this Province to be Brought in at one time in one Gange Provided tht as soone as he Arrives in this Province he shall goe to Two of the Comissionrs in Baltemore County & Acquaint them wth the Number of Horses he hath brought wth him That they may Certifie the time of his Arrivall & the Number of Horses Mares or Colts & if the sd Oneale shall Exceed the number or not Bring them alltogether or not Procure such Certificate from two Justices of the Peace the sd Horses Mares or Colts to be forfeited notwithstanding the sd License And this House doe Peticōn his Excelencie accordinglie.—

This House doth Concurre wth the Lower house in the Graunt of the Peticōn above Specified.

Signed by Ordr
Ri. Boughton Clerke.

U. H. Journal original

Ordered th^t the Lower house be Requested to send some Answ^r to the Returne made by the Upper house to a Vote sent in here touching the Continuance of the 2^s p hhd to the Cap. Gen^ll during his naturall Life & the Secretarie desired to make the s^d Request who goeth forth accordinglie

Sent hither a Petic$\bar{o}$n from the Lower house Exhibited to them by William Thomas & Elizabeth his Wife & Voted by them to Petic$\bar{o}$n his Excelencie th^t the s^d William Thomas may have a License to Import into this Province out of Virginia as manie horses mares or Colts not exceeding Sixe in number Provided he Import them by the Twentie fifth of December next Jt being a Portion given the s^d Elizabeth by her father & this House Petic$\bar{o}$ns his Excelencie accordinglie

Signed by Ord^r

Rob^t Ridgely Clerke.

This house Concurreth in the graunt of the s^d Petic$\bar{o}$n of W^m Thomas

The House is Adjourned till 2. of the Clock in the Afternoone.

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The House met in the Afternoone Present the Cap. Gen^ll Chancel^r Secretarie, M^r Truman D^r Wh[arton] M^r Taylor, Colon. Utye.—

The following Vote of the Lower House sent [to this] House by M^r Rob^t Carvile viz^t Vot[ed by this House] th^t the Grand Juries th^t are Sum̄oned [Twice a Year out] of the Bodie of the Province shall [be Allowed each] Court 2000^lbs of Tobaccoe for their [Expences and no] more & th^t everie Countie Leavie 400^lbs [of Tobaccoe eve]rie yeare to be Paid to the Ordinarie [keeper that enter]taines them & th^t this Vote be sent to [the Upper house to] desire their Concurrence therein & if [they do Concurre] herein then th^t his Excelencie would Iss[ue Proclamac$\bar{o}$n] accordingly to the Respective Counties.

This House doth Concurre w^th the Lower [House in the said] Vote.—

Voted th^t the Lower House be desired to Consider of [the] greate Losse the ffrontier Inhabitants of Baltemore County have Sustained by the Jndians Latelie Coming downe to their Plantac$\bar{o}$ns & destroying their Stocks & th^t some Releife be made for the s^d Losse & dam̄age.

Put to the Vote in the Lower House Whether the Allowance for Tobaccoe Lost or Taken shall now Take place or after the Lord Proprietaries death yea or not? Voted That it now Take Place Otherwise noe Act to Passe. Put to the Vote there

Whether the Vote should be Reassumed againe yea or not Voted not to be Reassumed U. H. Journal original

Voted by this House thᵗ the Lower house be desired to Prepare an Act Touching their former Vote for 2ˢ p hhd

5ᵗʰ of June Lower House Voted thᵗ Cap. Howell & Mʳ Vanheck goe to his Excelencie & Upper house & Acquaint them thᵗ the message about the Losse & damage of the Inhabitants in Baltemore Countie being uncertaine & the house being informed thᵗ some of their Stocks are retorned Conceave Satisfacon must for those Reasons be referred to the next Assembly if they thinke fitte.

The House is Adjourned till 9 of the Clock to morrow morning

On Saturday the Sixth day of June the house met

Present the Cap. Genˡˡ Chancelor, Secretarie, Mʳ Truman, Dʳ Wharton, Mʳ Taylor Colon. Utye

A Peticon Sent to this House from the Lower house Touching the Confirmacon of the Lawes wᵗʰ their desire That his Excelencie would be Pleased to send the same to the Lo. Proprietary wᶜʰ his Excelency readilie undertaketh

Read an Act Entituled an Act for Quieting Possessions Sent from the Lower House & After debate thereupon This House doth Thinke thᵗ all Omissions of the Clerkes in not Recording &c. in the Act mentioned & of the Surveyor not Returning Certificates &c. allreadie Past (Errors in the Quantitie of Land retorned onlie excepted) will be better Saved by a Proclamacon (as hath formerlie been done) then by this Act & thᵗ these Omissions ought not to be Encouraged by this Act for the future. p. 42

To the Second This House doth Thinke Covin or not Covin is hard to be distinguished but by the Record & When the Right Appeareth not upon record Jt ought to be Thought Covin wᶜʰ all Courts of Justice doe Abhorre To the Third this House Knoweth not of anie Lands thᵗ ever were Escheated for Want of the Aforesᵈ formalities onlie in the Pattent

To the ffourth the House doe thinke it may be better Salved by a Proclamacon then by this Act

As to the Whole Act This House doth Consent thᵗ it may Remaine in the Lower House till the next Meeting of this Assemblie

Sixth of June Lower House.—The Message above being Read Voted thᵗ his Excelencie be desired to Jssue out such Proclamacon Speedilie and Ordered thᵗ the sᵈ Act be recorded

U. H. Journal original in the Journall of this House & to Remaine to be debated the next meeting of this Assemblie

This House Concurreth w^th^ the Lower House in their desire here above Specified

Cap. Quiglie giveth Bond for the Payment of ffiftie Thousand Poundes of Tobaccoe to be fforfeited to the Countrey in Case he doe not Compleate the Buildings undertaken by him within the time Limited & Jt is ffurther Agreed between both Houses of this Present Gen^ll^ Assemblie th^t^ he the s^d^ Quigley Shall have Three Hundred & Thirtie Thousand Pounds of Tobaccoe for the s^d^ Buildings Provided th^t^ noe Part or parcell thereof is to be Paid him before the Compleating & ffinishing the Whole Worke undertaken.

Upon Notice given to the Lower House th^t^ his Excelencie was readie to Breake up this Present Sessions of Assemblie & to desire them to Bring up the Lawes assented to by Both Houses The Lower House w^th^ their Speaker Came into this house w^th^ all the Lawes made this Assemblie the Titles whereof being read in the Presence of both Houses His Excelencie Signed the Lawes w^th^ this Endorsem^t^ viz^t^ His Excelencie Willeth these to be Lawes & Thereupon Prorogued this Assembly till the Twenty nineth day of September this Instant yeare of o^r^ Lord One Thousand Sixe hundred & Seaventy foure.—

Liber W H & L p. 73

Acts made att a Generall Assembly held att the Citty of S^t^ Maries The Thirteenth day of Aprill in the xxxxij^th^ yeare of the Dominion of the Right Honourable Cæcilius &c^a^ Annoq Domini 1674.—

His Excellency Charles Calvert Gouernour—

An Act of gratitude to his Excellency Charles Calvert Esq^r^ Cap^n^ Generall of Maryland

Whereas by an Act made att a Generall Assembly held att the Citty of S^t^ Maries the xxvij^th^ day of March in the xxxix^th^ Yeare of your Lordships Dominion over this Prouince Annoq Domini 1671 Intituled an act for the Rayseing & Prouideing of a support for his Lordship the Lord and Proprietary of this Prouince dureing his natureall life and likewise a supply towards the defraying the Publick Charges of Gouernment itt was Enacted that from & after the first day of September then next Comeing there should be Raysed Leavyed Collected and payd vnto your Lordship Your heires & successors Lords &

Proprietaryes of this Prouince the sume of two shillings starling for every hogshead & quantity of an hoggshead of Tobacco which should be att any tyme then after shipped in any Shipp or vessell to be Exported out of this Prouince or any the Territoryes Islands ports Rivers Creekes or places thereunto Belonging And itt was alsoe Thereby Ennacted that the said duty & imposicon should be from time to time paid & satisfyed by the master or masters of every such shipp or vessell respectively in which any such Tobacco should be Exported uppon his or their Clearing & takeing out his or their dispatch & dispatches for every such Respective shipp & vessell and before the departure of such shipp or vessell from this Province and that all and every master & masters of any shipps or vessells comeing into this Prouince should att their first arriveall here & before their Loadeing on board any goods or Comodities of the Growth Produccon or manufacture of this Prouince give good & sufficient security & securities to the Lord Proprietary of this Prouince or to the Leivtenant Generall of this Prouince for the time being for the true payment of the said duty & Imposicon accordingly And itt was thereby further Enacted that all & every person or persons shipping or Ladeing on board or attempting or Endeauoring to ship or Lade on board in any shipp or vessell whatsoever any Tobacco for which the said duty or Imposicon then was or should be due before such security given by the master or masters of such shipp or vessell for the payment of the duty or Imposicon before menconed and a Certificate of such security given first had and obteined under the hand and Seale of the Lord Proprietary Leivt Generall or Cheife Gouernour of this Prouince for the time being or of such officer or officers on that behalfe for the time being to be appointed should forfeite the same or the full value thereof the one moyty whereof should bee to your Lordship your heires and successors and the other moyty to him or them who should seize or sue for the same by bill plaint or Informacon In any The Courts of Record within this Province— Liber W H & L p. 74

Provided allwayes that one halfe of the money by that Act to be Raysed should be Imployed towards the maintaineing a Constant Magazine with Armes and Amunicon for the Defence of this Prouince and defraying other Publick Necessary Charges of the Gouernment—

Provided allwaies that soe long as the said Act should Continue noe Publick Leauy should be layd upon the freemen & Inhabitants of this Prouince but by Consent of the said freemen in open assembly first had & obteined and that dureing the Continuance of the said act as aforesaid the Last Clause of an act Intituled an act Concerning Leavying of warr within this Prouince by which Clause itt is Enacted That all Charges

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ariseing from time by defence of this Prouince against any invasion of any enemy or Enemies or against any domestick Insurreccōn or Rebellions against the Publick Peace of this Prouince or the Gouernment established herein and under your Lordship and your heires should be defrayed by the Prouince by an Equall assessment upon the persons and Estates of the Inhabitants thereof should be & Remaine suspended any thing in that Act to the Contrary Notwithstanding the foregoing Clause of the said act Remaining still in full force & vertue

p. 75

Provided alsoe that soe long as The said Act should Continue Your Lordshipps Receiver or Receivours Generall for the time being should Receive good sound & Marchantable Tobacco when Tendered for Your Lordships Rents or fines for alienacōns of Land reserved vpon the severall & Respective grants of Land in this Prouince att the Rate of two pence per pound any thing in his Lordships grants to the Contrary hereof Notwithstanding Provided alsoe and itt was thereby Enacted That the Act Entituled an Act for the muster master Generalls fees should for ever from thenceforward stand Repealed which said Act was to Continue dureing your Lordships Natureall life and for one Cropp more next after your Lordshipps decease & noe longer as by the said Act Relacōn being thereunto had may more att Large appeare Now the Delegates of the freemen of this present Generall Assembly Considering the great fauour Your Lordshipp doth unto them in Continueing your onely Sonne & Heir apparent Your Gouernour ouer them and gratefully acknowledging the many benefitts they Receive by his Care & Solisitude and desireing that all Marchants Masters of Shipps and others Tradeing may haue all due Encouragement for the welfare of this your Prouince doe pray that itt may be Enacted And Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the aduice & Consent of the upper & Lower houses of this present Generall Assembly and the Authority of the same That the said Act and all & every the Articles Provisoes matters and things therein Conteined doe & shall stand and bee by this present Act Ratifyed & Confirmed to all intents and purposes according to the true intent & meaning thereof not onely for & dureing the Life of the Right Hon^ble^ Cæcilius absolute Lord & Proprietary of this Province and for one Cropp after as aforesaid Butt alsoe for and dureing the Natureall life of the Right Hon^ble^ Charles Calvert Esq^r^ sonne & Heir apparent of the said Cæcilius Lord Proprietary and noe longer And that from & after the decease of him the said Cæcilius Lord Prop^ty^ The said duty and Imposicōn of two shillings per Hogshead shall be Leavyed Raysed Collected and paid to the said Charles Calvert Esq^r^ for and dureing the tearme of his Natureall life as aforesaid in such

manner and under such paines penaltyes & forfeitures as by the said Recited act is Limitted & appointed to be paid to the said Cæcilius Lord Propry as aforesaid Provided allwaies Neverthelesse That all & Every the Severall provisoes in the said Act Conteined doe during the Continuance of this Act stand in full force & virtue and be inseparably annexed to this present Act provided alsoe that from and after the End of this present Sessions of this Generall Assembly in case of shipp-wrack or takeing of any shipp or shipps vessell or vessells soe that the Tobaccoes therein Laden be lost before the Delivery of the shipp or vessell att his or their port then the master Marchant or other owner of such Tobaccoes soe Laden & lost as aforesaid shall be Repayd the said duty or Imposicon of two shillings p Hogshead or have liberty to shipp att some other time soe many hogsheads of Tobacco as they had formerly paid Imposition mony for as aforesaid free & Cleer of any the said Imposicon. Liber W H & L

An Act for the Enrollment of Conveyances and securing the Estates of Purchasers. p. 76

For the better Establishing of away & methood of Conveying of Mannors Lands Tenements & Hereditaments within this Prouince for the future and for the avoyding of all abuses & deceipt in Incumbring Estates by Mortgages & otherwise by the owners of Lands & Hereditaments To the prejudice of purchasers for valueable Consideracons and such as lend their moneys vpon reall securities—

Bee itt Enacted by his Lordship the Lord Proprietary of this Prouince by and with the advice and Consent of the upper & Lower houses of this present Generall Assembly That from and after the Publicacon hereof noe mannors Lordships Lands Tenements or Hereditaments whatsoever within this Prouince or any the Lands Islands Territories or places thereunto belonging shall passe alter or Change from one to another whereby the Estate of Inheritance or freehold or any Estate for yeares (other then such vpon which the Improved yearely Rents reserved to be payd) shall be made to take Effect in any person or persons or any vse or trust thereof Except the deed or deeds Conveyance or Conveyances by which the same shall be intended to passe alter or Change be made by writeing indented and sealed and that the same be acknowledged in the Prouinciall Court of this Province or before two of the Privy Councell of this Province or in the Court of the same County or before two of the Justices of the peace of the same County where the same Mannors Lordshipps Lands Tenements & Hereditaments doe Lye And be Enrolled or the substance of

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the same (that is to say) the Certaine dates names Surnames and addicõns of the parties thereunto with the Certain Consideracõns for which the same are made And the Certaintie of the premisses and of the Estate and Estates thereby intended to passe be Enrolled in the Prouinciall Court of this Prouince or in the County Court where the Land doth Lye the same enrollment to be made within twelue moneths next after the date of the said writings indented for the Capcõn of which said acknowledgmt: there shall be paid to the parties takeing the same twelue pence starling and noe more and for which said Enrollment there shall be paid to the Clerke of the said Prouinciall or County Court in case the same doe not Exceed halfe a side of aleafe in folio in the Record booke wherein the same shall be Enrolled the sume of Eight pence onely And if the same doe Exceed halfe aside of aleafe as aforesaid then the sume of sixteene pence and soe after the Rate of sixteene pence of every side of aleafe which the Enrollment shall take upp and that the said Clerke of the said Court shall well and Sufficiently Enroll the same with a note of the day wherein the same shall be enrolled in agood sufficient booke in folio to Remaine in the Custody of the Clerke of the same Court for the time being amongst the Records of the said Court To the in-

p. 77 tent that Every party that hath to doe therewith may resort unto & see the enrollment and that the same Clerke shall on the back of every such deed in a full Legible text hand make an endorsment of the day and yeare of such enrollment and alsoe of the folio of the booke in which the same is enrolled and shall unto such endorsement Sett his hand.

Provided allwaies and itt is hereby Enacted by the Authority aforesaid and by the advice and Consent aforesaid that where the Grantor or grantors Bargainor or Bargainors of any such Mannors Lordshipps Lands Tenements or Hereditaments shall happen to be out of this Prouince and within any of the Dominions of his Majesty the King of England att the time of the ensealing of such writeing or writeings Indented so that the same cannot be acknowledged in manner & forme as is before directed or enrolled within the time for that purpose herein before Limitted That in every such case the acknowledgment of such writeing or writeings before the Cheife Gouernour or Gouernours of any of his said Majesties Plantacõns or before the Major or Cheife Majestrate of any Citty or towne Corporate within his said Majesties Dominions and a Certificate thereof under the hand and seale of such Cheife Gouernour or Gouernours or under the Comon Seale of such Citty or towne Corporate annexed and affixed vnto such writeing Indented the enrollment of such writeing together with such Certificate In the Prouinciall Court before mencõned within

two yeares next after the date of the said writeing Indented shall be a Sufficient acknowledgment and enrollment in the Law to all intents and purposes and as effectuall & avayleable for the passing & Conveying of the Mannors Lordships Lands Tenements & Hereditaments thereby intended to be passed or Conveyed as if the same had been acknowledged in this Province and enrolled according to the intent & direccõns of this Act any thing herein before Conteined to the Contrary hereof Notwithstanding. Liber W H & L

And Bee itt further Enacted by the Authority aforesaid by and with the aduice and Consent aforesaid that every such writeing Indented to be acknowledged & enrolled as aforesaid shall haue Relacõn as to the passing and Conveying of the premisses & the Estate & Estates thereby intended to be passed and Conveyed only from the day of the enrollment of the same and not from the day of the date thereof and shall att all times be Construed and take most fauourably and beneficially for the benefitt and advantage of the grantee and grantees and more strongly for the barring of the grantor or grantors therein to be named and according to such intent as by the words thereof shall appear to haue been the true intendment of the parties thereunto allbeit the same shall not happen to bee drawn & penned in such strict formall manner as is used in England and other Countries where the advice of Councill learned in the Lawes of the Country may be easily had in the drawing & penning of Instruments of the like nature.

Provided alwaies that where any marryed woman or fem Covert shall happen to be named aparty grantor in any such writeing Indented the same shall not be of force to debarr her or her heirs Except vpon her acknowledgment of the same the person or persons takeing such her acknowledgment shall Examine her privately and secretly out of the hearing of her husband whether shee doe make such acknowledgment willingly & freely and without being induced thereunto by any force or threats vsed by her husband or through feas of his displeasure and that vpon such Examinacõn shee shall owne the said acknowledgment to be free and voluntary and that the person or persons soe Examining her shall in the noate or Certificate of the Capcõn of the said acknowledgment Certifie such her Examinacõn and acknowledgment thereupon and that such Certificate be likewise enrolled vpon Record in which Case onely every such feme Covert shall be barred and not otherwise any thing herein before Conteined to the Contrary Notwithstanding. p. 78

Provided alsoe that noe such writeing Indented shall be att any time enrolled within this Prouince before the Receivor

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Generall of the Lord Propty of this Prouince for the time being or the Deputy or Deputies of such Receivor Generall for the time being shall sett his or their Recepimus thereunto if any fine for alienacōn for the said land be due and by the Originall grant Reserved any thing to the Contrary hereof in this Act notwithstanding.

And Bee itt further Enacted that all Lawes for enrollment of Conveyances & secureing the Estate of purchasers heretofore made be hereby Repealed.

An Act Concerning the Impannelling of the grand Inquest in the severall Counties within this Province.

The Delegates in this present Generall Assembly Considering the great Charge the severall Counties in this Prouince are put unto in bearing the Charge of their severall grand Inquests which are twice in every yeare summoned to enquire of offences and misdemeanors Comitted in their severall Counties against his Lordshipps peace doe humbly pray that itt may be Enacted And bee itt by the Right Honble the Lord Proprietary by and with the aduice & Consent of the upper and lower houses of this present Generall Assembly and Authority of the same Enacted that from and after the Publicacōn hereof all & every person or persons that shall hereafter be summoned by the severall Sherriffes within this Prouince to appeare in the severall County Courts as grand Inquests to inquire as aforesaid shall bear and defray the Expence and Charge of his and their owne severall attendance att such County Courts without Charging any thing vpon the severall Counties for such their Charges & attendance and to the end noe person may be over burthened hereby.

It is further Enacted by the Authority aforesaid that noe person shall be twice Summoned in one yeare to be one of the said grand Inquest and that the sherriffes aforesaid shall not cause any person to be summoned and Impannelled to serve vpon any of the said grand Inquests but such as shall be freeholders in their severall & Respective Countyes This act to endure for three yeares or to the end of the next Generall Assembly which shall first happen

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An Act for the surveyor Generalls fees with addicōn of fees vpon Resurveys and for Leavying the same.

Forasmuch as the severall Lawes hitherto made for the Regulateing of surveyors fees haue by dayly Experience been found ineffectuall to Curb the exorbitant Exactions of the

severall Deputy surveyors to the great damage detriment & vexacōn of the good people of this Province— Liber W H & L

Bee itt therefore Enacted by the Right Hon^ble^ the Lord Proprietary by and with the advice and Consent of the upper & Lower houses of this present Generall Assembly that from and after the Publicacōn hereof the Surveyor Generall nor any of his Deputies for the time being shall aske demand take or Receive any other fee gratuity or Reward for any matter Concerning the office of a surveyor then such as are by this present act provided for allowed & Expressed that is to say for surveying of any plott of Ground of one hundred acres or vnder one pound of Tobacco per acre if the plott be between one hundred & two hundred Acres then for the first one hundred acres as aforesaid and for all above halfe a pound of Tobacco p acre if between two hundred and five hundred acres then for the first two hundred Acres as before and for all aboue one quarter of a pound of Tobacco p acre if itt be between five hundred and one thousand acres then for the first five hundred as aforesaid and for any quantity above five hundred acres one pound of Tobacco for every tenn acres and noe more for entring a survey vpon the booke five pounds of Tobacco for Certifyeing the same five pounds of Tobacco for describeing a plott of the ground surveyed if itt be one hundred acres or vnder tenn pounds of Tobacco if above one hundred Acres then five pounds of Tobacco for every hundred acres for goeing to make such survey if the place be distant from his vsuall habitacōn twenty Miles or vnder forty pounds of Tobacco if aboue twenty & under forty miles Eighty pounds of Tobacco and soe pro rato for any greater quantity and that for every resurvey to be made for any person whatsoever such resurvey being made with a Chaine Circumferenter with Sights and other Instruments for that purpose necessary the surveyor Generall or his Deputy respectively may aske demand take and Receive double the fees before in this Act provided and no more.

And Bee itt further Enacted by the Authority aforesaid that all such fees as aforesaid so earned by the Surveyor or his Deputy or Deputies Respectively shall and may be Leavyed by way of Execucōn vpon the body or goods of any person or persons delaying or refuseing payment thereof the surveyor Generall or such Deputy or Deputies as aforesaid takeing their Corporall Oath to the truth of his or their accompts before the Gouernour Chancellor or secretary of this Prouince for the time being.

And be itt further Enacted by the Authority aforesaid that p. 80 the Surveyor Generall or his Deputy shall keepe a booke of all the Surveys that he or they shall make together with faire

Liber W H & L Plotts of the same And the said bookes kept by the Deputies Respectively shall be yearely Returned to the Surveyor Generall and in Case the Surveyor Generall or his Deputy or Deputies shall neglect to keepe such bookes as aforesaid whereby any person within this Prouince shall suffer damage by the Losse of his Land surveyed or otherwise—

Bee itt further Enacted that the said surveyor Generall his Deputy or Deputies in whome the fault shall be found to be shall be Lyable to satisfie all such damages as shall be adjudged against him in the Prouinciall Court in which Court onely the said damage shall be tryed and for the avoyding of all Contests between the Surveyors and the people of this Prouince—

Bee itt Enacted by the Authority aforesaid That the Surveyor Generall or his Deputy or Deputies Respectively shall before he or they demand his fees be bound to deliver a Certificate of his survey to the parties for whom he surveyed the Land and that the said party deliver the same unto the office according to his Warrant this Act to Repeale all other Lawes Concerning Surveyors fees and to Continue for three yeares or to the end of the next Generall Assembly which shall first happen.

An Act for the payment of fees due from Criminall persons

Whereas divers Complaints have been made by severall Counties of this Prouince occationed for that they haue been forced to pay the fees of Imprisoned Criminalls the persons by whom such fees ought heretofore to haue been paid or hereafter to be paid being released and goeing free to the great Incouragement of offendors for prevencõn whereof for the future

Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the aduice and Consent of the upper & Lower houses of this present Generall Assembly and the Authority of the same that from henceforward noe person either sherriffe or Goaler shall Charge either their own County to which they doe belong or the Publick with any fees for any Criminall Comitted to his or their Charge haveing a sufficient Estate in this Prouince wherewith to pay the same or being Capable to make satisfaccõn for the same by servitude or otherwise but that such Criminalls as aforesaid being discharged by order of
p. 81 Course of Law shall pay his own fee to the sherriffe or Goaler according to act of Assembly either out of his said Estate or by Servitude or otherwise whatsoever and the said sherriffe or Goaler shall not demand of such Criminall soe discharged by order as aforesaid any fee for any thing after the said order made unlesse the party soe freed as aforesaid shall delay payment of such fees by servitude or otherwise.

Provided alwayes that this Act shall not Extend to male- Liber W H & L
factors which are Executed or to such other persons who are banished haueing noe Estate in the province or Servants Criminalls in all which cases the Sherriffe or Goaler shall Recover and be paid such fees by the County where the fact was Comitted and the Criminall Resided or by the whole Country att the discrecōn of the Justices of the Prouinciall Court.

And Bee itt further Enacted by the Authority aforesaid that all and every servant Criminall for whom the County shall pay the fees due to the sherriffe as aforesaid shall after the end & expiracōn of his time of servitude due to his master satisfie vnto the Comissioners of the County who paid such his fees for him to the sherriffe as aforesaid for the vse of such County such summe as they haue paid as aforesaid and the severall Comissioners of the severall Counties shall and are hereby Impowred to make inquisicōn after all such servants Criminalls for whom the County hath defrayd the said fees to the sherriffes and they the said Comissioners according to their best discrecōns shall order the said servants to make such reasonable satisfaccōn to the County as they shall think fitt and in such manner as they shall find Convenient and that in case the said Servants Criminalls shall remove into any other County then where he was a Servant and where the fact was Comitted then itt shall and may be Lawfull for his Lordshipps Justices of the Prouinciall Court att the desire and request of the Comissioners of the Respective Counties to award such satisfaccōn to the said Comissioners as shall be to them due from such Servants Criminalls as shall seeme meete this Act to Continue for three yeares or to the end of the next Generall Assembly which shall first happen.

An Act for Limitting of accōns against the Surveyor Generall of this Prouince

Forasmuch as the businesse relateing to the office of surveyor Generall of this Prouince of late yeares hath been and now is soe great and Lyeing soe diversly scituate within the severall Counties of this Prouince th^{t} itt is not possible for him to performe the same in his propper person as formerly itt hath been wont to be performed but that of Necessity severall Deputies must be appointed or otherwise the businesse of the p. 82
Prouince cannot be done nor performed for which performance as aforesaid it is impossible to procure Sufficient security of the Respectiue Deputies to bear harmlesse the Surveyor Generall from the errors omissions and neglects of the Respectiue Deputies which Errors as aforesaid the surveyor Generall by the reason of the great distance between him and his Deputies cannot by any meanes prevent—

Liber W H & L

Bee itt therefore Enacted by the Right Hon^ble^ the Lord Proprietary by & with the Consent of the upper and lower house of this present Generall Assembly That the Surveyor Generall of this Province for the time being shall not in any wise be Lyable for any error Defect omission Neglect or default of any of his Deputy Surveyors within this Prouince for any matter or thing whatsoever heretofore done or Comitted by any of his Deputy surveyors vnlesse the party or parties grieved shall make Complaint by suite or other formall processe in Law and Continue the same without intermission vntill Judgment be therein given and that the same be done within three moneths next after the Publicacōn hereof.

And for what defect error neglect omission or default shall hereafter happen to be done by any his Deputy Surveyors unlesse the parties grieved shall within six moneths next after the said error defect omission neglect or default make Complaint by suite or other formall processe in Law and Continue the same without intermission vntill Judgment be thereuppon given to that purpose the said surveyor Generall shall not any waies be Lyable to make any satisfaccōn for such their Errors defect Neglect omission or default whatsoever in their office done or to be done from time to time hereafter any Law or vsage to the Contrary Notwithstanding

Provided that this Act nor any thing therein Conteined shall not hinder any person from haueing his accōn against any Deputy Surveyor of this Prouince for any misfeasance or error in his office this Act to endure for three yeares or to the end of the next Generall Assembly which shall first happen.

An Act Concerning those servants that haue bastards

Whereas diuers women seruants within this Prouince not haueing husbands liveing with them haue been gotten with Child in the time of their servitude to the great dishonnour of
p. 83 god and apparent damage of Masters or owner of such seruants & noe Law yett provideing where the damage shall be Recoverable for Remedy whereof—

Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the Consent of the upper and lower houses of this present Generall Assembly that every such mother of a bastard Child not able sufficiently to prove the party Charged to be the begetter of such Child in every such Case the mother of such Child shall onely be Lyable to satisfie the damage soe susteined by Servitude or otherwaies as the Court before whom such matter is brought shall see Convenient. Provided that

where the mother of any such Child as aforesaid shall be able to prove her Charge by sufficient Testimony of wittnesses Confession of the party Charged or pregnant Circumstance agreeing with her Declaracōn in the Extremity of her paines and Throes of travell and her oath taken by some Magistrate Then the party Charged if a servant to satisfie halfe the said damage if a freeman then the whole damage by Servitude or otherwise as the Court before whom such matter is brought as aforesaid shall thinke fitt And if any such mother as aforesaid be able to prove by such Testimony or Confession of the party Charged being a Single person & a freeman did before the begetting of such Child promise her mariage that then he shall performe his promise to her or Recompence her abuse as the Court before whom such matter is brought shall see Convenient the quality & Condicōns of the persons Considered this Act to endure for three yeares or to the end of the next Generall Assembly. Liber W H & L

An Act for appointing Court dayes in each Respectiue County within this Prouince.

To the intent Court dayes may be ascertained and that the Comissioners within their Respective Counties may know Justly when to attend

Bee itt enacted by the Right Hon^ble^ the Lord Proprietary by and with the advice & Consent of the Upper & Lower houses of this present Generall Assembly that for the future saint Maries Baltemore and Dorchester County Courts shall be held the first Tuesday in September November January March June for the Orphans and the first Tuesday in August for Ann Arundell Charles & Somersett County the second tuesday in September November January March June for the Orphants and the second Tuesday in August for Calvert & Talbott County the third Tuesday in September November January March June for the Orphants and the Third Tuesday in August the fourth Tuesday in September November January March & June for the Orphants and the fourth Tuesday in August—

And Bee itt further Enacted by the Authority aforesaid that every Comissioner That shall not appear and attend att such place appointed for the Court to be held att in his Respectiue County att the time Limitted and appointed by the Law shall be fined two hundred pounds of Tobacco for and towards the building of Pillory stocks and whipping post for the Execucōn of Justice or to be disposed of as the Court then Sitting shall think fitt unlesse such Comissioner or Commissioners shall make Lawfull Excuse to be allowed of by the Court. p. 84

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And forasmuch as it many times happens especially in the winter Season that but two or three of the Comissioners doe meet and attend upon the dayes sett and appointed as aforesaid whereby all processe made Returnable to that Court doe fall & abate and the severall plaintiffs are forced to sue out new writts to the great Charge and delay of the suitors.

Bee itt therefore enacted by the Authority aforesaid that any two or three of the Comissioners whereof one to be of the Quorum meeting as aforesaid bee hereby fully Authorized & empowred to adjourne the Court to some short time after as shall seeme to them meete and that noe suite shall for want of a full Court fall or abate but the same shall be Continued untill the next Court to be held according to such adjournment as aforesaid and that if the first day appointed by this Act for the holding of the severall and Respective Courts be not time enough to doe the businesse in that Court depending then the Justice of such Court are hereby Impowred to adjourne from day to day vntill such time as the businesse Returnable that Court shall be finished & whereas there haue some scruples arisen by the Comissioners of the Respective County Courts whether they shall doe any other businesse in every June Court in euery Respectiue yeare then what was Concerning Orphans the true intent & meaning of this Act is that the Comissioners of euery Respectiue County Court may and ought to doe heare Judge & determine any businesse depending in the said Court att the same June Court between any persons whatsoever as well as Relateing to any Orphants businesse

An Act against burners of fences

Whereas diverse of the Inhabitants of this Prouince haue suffered much damage by the Notorious evill practices of ill disposed and malicious persons burning their fences and noe Law yett made to provide for the deterring and punishing such offenders for preventing such dangers and punishing such malicious attempts for the future the good people of this Prouince doe humbly pray that itt may be enacted And Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the Consent of the upper and lower houses of this present Generall
p. 85 Assembly and by the Authority of the same That if any person or persons within this Prouince shall wilfully and maliciously burne and destroy any Corne field Pasture ground orchard or other fence or fences whereby any of the Inhabitants of this Prouince are harmed and endamaged the person soe offending being thereof Convicted by the Testimony of two sufficient wittnesses shall suffer such penalties or vndergoe

such punishments as the Lawes of England provides against such malicious persons and Practices of that nature or make restitucon to the person wronged by paying treble the damages susteyned thereby as the Justices before whom such Cases shall Come shall determine this Act to endure for three yeares or to the end of the next Generall Assembly which shall first happen. Liber W H & L

An Act Concerning taxable persons

Whereas divers Servants are dayly Imported into this Province and many disputes ariseing Concerning their ages and when they are to be accounted Taxables Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the Consent of the upper and Lower houses of this present Generall Assembly that all male Children borne in this Prouince and Resident in itt shall be accounted Taxables att the age of sixteene yeares and vppwards and all male servants Imported into this Prouince att the age of tenn yeares and vppwards shall be accounted Taxables and all slaues whatsoever whether male or female Imported or borne in the Prouince att or aboue the age of tenn yeares shall be Likewise accounted Taxables and soe Rated accordingly and that all freemen Resident in this Province (Except ministers & priests) shall be Taxables being aboue the age of sixteene yeares this act to endure for three yeares or to the end of the next Generall Assembly which shall first happen.

An Act declareing what shall be done by the sherriffe ex officio

Whereas Certain Charges are lately arisen in the Province by the sherriffes exacting fees for severall matters and Executing severall writts and precepts and for summoning of Jurors in Criminall cases and other matters onely Relateing to the Publick which formerly were done & Executed and still ought to be done ex officio—

Bee itt therefore Enacted by the Right Hon^ble^ the Lord Proprietary by and with the aduice and Consent of the upper & Lower houses of this present Generall Assembly and the Authority of the same that from henceforth noe sherriffe within this Prouince shall take Exact or Receive of or from any person whatsoever any fees Sallary gratuity or reward for the serving or Executing any writt warrant or precept from the Gouernour or Councill or from any Justice of the Peace within this Province or for the doeing of any other thing in any the Courts of Record in this Prouince for any matter or thing or

Liber W H & L p. 86 vpon any suite or suites in Criminall Cases but such sherriffes are hereby injoyned to Execute the same ex officio and every sherriffe offending herein shall forfeite the sume of one thousand pounds of Tobacco for every offence one halfe to the Lord Proprietary and the other halfe to the party greived And one act made att an assembly held att S^t^ Maryes in the yeare 1662 Intituled an act declareing what shall be done by the sherriffe ex officio is hereby Repealed.

To the Right Hon^ble^ the Lord Proprietary of the Prouinces of Maryland and Avalon Lord Baron of Baltemore &c^a^.

The Humble Peticon of John De Le maire William Tick Cornelius Johnson Axell Stille Henry ffreeman Marcus Syserson, Jeffery Jacobson, Henry Henderson, Oliver Colke, Mounts Anderson, Lawrence Christian, Hance Peterson, Cornelius Peterson, John Desjardins Martin Mugenbrough, Henry Mathews, Henry Inloeas, John Nomers, Andrew Clements, Cornelius Arenson Hester Cordea, John Lecount, Moses Lecount, Phillip La Count Anthony Lecount Hester Lecount, Katherin Lecount,—

Humbly sheweth unto your Lordship that your Peticoners John Lemaire was borne att Anjou in the Kingdom of France William Tick att Amsterdam in Holland vnder the Dominions of the states Generall of the vnited Prouinces Cornelius Johnson att ffiacena vnder the same Dominions Axell Stille in the Kingdom of Sweadland Henry ffreeman Marcus Syserson Jeffry Jacobson Henry Henderson Oliver Colke Mounts Anderson Cornelius Peterson Henry Mathews John Nomers Andrew Clements all of the said Kingdom of Swedeland Lawrence Christian and Martin Mugenbrough in Germany Iohn Desjardines in the Kingdome of france Hans Peterson in the kingdome of Denmarke Henry Enloes & Cornelius Arenson vnder the Dominions of the States Generall of the vnited Prouinces Hester Cordea att Deepe in Normandie John Lacounte Moses Lacounte Phillip Lacounte Anthony Lacount all the sons of Anthony Lacounte borne att Picardie in the kingdom of france Hester Lacount Katherine Lacount Daughters to the said Anthony Lacount and both sonns & daughters borne within your Lordshipps Prouince of Maryland and your Peticoners borne elce where being now Removed into this Prouince haue for divers yeares therein inhabitted being invited to come and dwell within this Prouince by and vppon Confidence of your
p. 87 Lordships declaracon of The Second of July 1649 whereby

you did impower your Gouernour from time to time to grant lands vnto any person of french Dutch Spanish Swedish or other forreigne discent in the same and in as ample manner and vppon the same tearmes and Provisoes as he was thereby impowred to grant lands to any person or persons of Brittish or Irish discent and dureing their said abode they haue been alwaies faithfull & obedient to your Lordshipps Lawes yett for that your Peticōners are not of Brittish or Irish discent they cannot take benefitt of the Lawes and Customes of this Prouince as other the said people of this Prouince of Brittish or Irish discent may to their great losse hinderance & prejudice as alsoe to the Deterring of divers others of the same forreigne Nacōns aforesaid from Comeing into this Prouince and by Consequence foreslowing the peopling of this Prouince with vsefull artificers and Handy craftsmen May itt therefore please your Lordship of your abundant goodnesse and wonted Care of and over this Prouince that itt may be Enacted & ordeined by your Lordship And Bee itt ordeined & Enacted by the Right Hon^ble^ the Lord Prop^ry^ of this Prouince by and with the aduice & Consent of the upper & Lower houses of this present Generall Assembly that your Lordshipps humble Peticōners Iohn Lemaire, William Tick, Cornelius Johnson, Axell Stille, Henry ffreeman, Marcus Syserson, Jeffry Iacobson, Henry Henderson, Oliver Colke, Mounts Anderson, Lawrence Christian, Hance Peterson, Cornelius Peterson, John Desjardines, Martin Mugenbrough, Henry Mathews, Henry Inloes, John Nomers, Andrew Clements, Cornelius Arenson, Hester Cordea, John Lacount, Moses Lecount, Phillip Lecount, Anthony Lacount, Hester Lecount, Katherine Lecount, they and every of them shall from henceforth be adjudged Reputed and taken as natureall borne people of this Prouince of Maryland and alsoe that they and every of them shall and may from henceforth by the same Authority be enabled and adjudged to all intents and Purposes able to demand Challenge aske haue hold and Injoy any Lands Tenements Rents & Hereditaments within this Province as Heire or Heires to any of their Ancestors by Reason of any discent in fee simple feetayle Generall or Speciall or Remainder vppon any fee Tayle generall or speciall or come to them or any of them by discent in fee simple feetayle Generall or Speciall or Remainder vppon any Estate tayle as aforesaid or by any other Lawfull Conveyance or Conveyances or meanes whatsoever as if they and every of them had been borne within this Prouince or were of Brittish or Irish discent as aforesaid and alsoe that they and every of them from henceforth shall and may be Enabled to prosecute maintaine & avow Justifie and defend all manner of accōns suites plaints or other demands whatsoever as Liberrally franckly freely

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Lawfully fully and securely as if all of them had been Natureall borne within the Prouince of Maryland (And the abovesaid Children of Anthony Lacount had been soe borne since their Denizacōn by their said ffather) or were of Brittish or Irish Discent as aforesaid and as any other person or persons Natureally borne within this Prouince or of Brittish or Irish discent may any waies Lawfully doe Any Law Provisoe act or Custome of this Prouince or other thing whatsoever had made ordeined or done within this Prouince to the Contrary hereof in any wise Notwithstanding.

An Act prohibitting all masters of shipps or vessells or any other persons from Transporting or Conveying away any person or persons out of this Prouince without passes.

Whereas Severall persons ffreemen within this Province being indebted to the Inhabitants thereof haue been by masters of Shipps and other vessells transported and by others by land Conveyed out of this Prouince and alsoe Severall Servants who had time by the Custome of the Countrey Condicōn for wages or Indenture to serve haue been transported and Conveyed away as aforesaid to the great & manifest damage of their Creditors and masters, The Delegates of this present Generall Assembly haueing seriously Considered the Inconveniencies thereby accrueing to the good people of this Prouince doe pray that itt may be Enacted And Bee itt Enacted by the Right Hon^ble^—the Lord Proprietary by and with the advice and Consent of this present Generall Assembly that from and after the Publicacōn hereof any person or persons whatsoever who shall intend to depart this Prouince shall give notice of such his intended departure by setting up his name att the Secretaryes office for the full space of three whole moneths and that if within that time noe person shall vnder write the person respectively soe setting upp his name as aforesaid it shall then be Lawfull for his Lordshipps Gouernour Chancellor or Secretary of this Prouince for the time being to signe a passe for any such person to depart this Prouince for which passe the party shall pay as a fee to the person signeing the same the sume of two shillings six pence Sterling.

And Bee itt further Enacted by the Authority aforesaid that any master of shipp or vessell or other person whatsoever that shall transport or Convey out of this Prouince by Land or water any freeman being indebted by bill bond accompt or otherwise vnto any Inhabitant without such passe vnder the hand of the Gouernour Chancellor or Secretary of this Prouince for the time being as aforesaid shall be Lyable to Satisfie all

such debts Ingagements & damages to the person or persons to whom such debts & damages Respectively shall be due within this Prouince vnlesse the same be otherwise satisfyed in Convenient time or that in one moneth he cause or procure such freeman to Returne againe into the Prouince whereby he may be Lyable to Justice here and every such person as aforesaid as shall transport or Convey away out of this Prouince any Servant or Servants being Servants here by Condicōn for wages indenture or Custome of the Country shall be Lyable to pay and Satisfie vnto the master or owner of such servant or servants soe Carryed away al such damages as hee or they shall make appeare to be Justly due vnto such master or owner for want of such Servant or Servants as the Court before whom such Cause shall be tryed shall thinke fitt. Liber W H & L p. 89

And Bee itt Enacted by the Authority aforesaid that the Act made att a Sessions of Assembly held the one & twentieth day of Aprill one thousand six hundred and fifty Intituled an act against fugitiues to stand Repealed and is hereby Repealed for ever and that one other Act made att an assembly held att S^{t} Maries the twenty seventh day of March one thousand six hundred seventy one entituled an Act against Runnawaies & such persons as shall entertaine them & others that travaile without passes & all & every the Clauses and things therein Conteined doe stand and is hereby Revived & Continued this Act to endure for three yeares or to the end of the next Generall Assembly which shall first happen.

To the Right Hon^{ble} the Lord Proprietary of the Prouince of Maryland and Avalon Lord Baron of Baltemore &c^{a}.

The Humble Peticōn of John Johnson & Henry Green both of Talbott County—

Humbly sheweth

That your Peticōners John Johnson and Henry Green were both borne in holland under the Dominions of the States Generall of the vnited Prouinces being now Removed to this Province haue for divers Yeares therein Inhabited being Invited to come and dwell within this Prouince by and uppon Confidence of your Lordships Declaracōn of the second of July one thousand six hundred forty Nyne whereby you did Impower your Gouernour from time to time to grant lands vnto any persons of french dutch spanish Swedish or other forreigne descent in the same in as ample manner and vppon the same tearmes and Provisoes as he was thereby Impowered to grant lands to any person or persons of Brittish or Irish descent And dureing their said Abode they haue been alwaies faithfull

Liber W H & L & obedient to your Lordshipps Lawes Yet for that your Peticōners are not of Brittish or Irish discent they cannot take the Benefitt of the Lawes and Customes of this Prouince as other the said People of this Prouince of Brittish or Irish descent may to their great losse prejudice and hinderance as alsoe of the Deterring of divers others of the same forreigne Nacōns aforesaid from Comeing into this Province and by Consequence foreslowing the peopling of this Prouince with vsefull artificers and handy crafts men May itt therefore please your Lordship of your abundant goodnesse and wonted Care of and over this Prouince That itt may be Enacted and ordeined by your Lordshipp And bee itt Enacted and ordeined by the Right Hon^ble^ the Lord Proprietary of this Province by and with the aduice and Consent of the upper and lower houses of this present Generall Assembly That your Lordships humble Peticōners John Johnson & Henry Greene they and each of them shall from henceforth be adjudged reputed and taken as Natureall borne people of this Prouince of Maryland and alsoe that they and each of them shall and may from henceforth by the same
p. 90 Authority be Enabled and adjudged to all intents and Purposes able to demand Challenge aske haue hold and enjoy any Lands Tenements Rents or Hereditaments within this Prouince as heire or heires to any of their Ancestors by Reason of any descent in fee Simple fee tayle Generall or Speciall or Remainder vppon any fee tayle generall or Speciall or come to them or any of them by descent in fee simple fee tayle Generall or Speciall or Remainder vpon any Estate Tayle as aforesaid or by any other Lawfull Conveyance or Conveyances or meanes whatsoever as if they and each of them had been borne within this Prouince or were of Brittish or Irish descent as aforesaid and alsoe that they and each of them from hence forth may and shall be enabled to prosecute maintaine and avow Iustifie & defend all manner of accōns suites plaints or other demands whatsoever as Liberally ffranckly freely fully Lawfully and securely as if they & each of them had been Natureally borne within this Prouince of Maryland or were of Brittish or Irish discent aforesaid and as any other person or persons Natureally borne within this Prouince or of Brittish or Irish discent may any waies Lawfully doe any Law Provisoe act or Custome of this Prouince or other thing whatsoever had made ordeined or done within this Prouince to the Contrary thereof in any wise Notwithstanding.

An Act for the building of a state house and Prison att S^t^ Maries.

To th end there may be a decent and Convenient place for the administracōn of Justice and a prison Erected for the Re-

straint of Malefactors & persons indebted the two houses of your Lordships Generall Assembly Doe pray that itt may be Enacted that there be a State house & a prison built att the Citty of S^{t} Maries And Bee itt Enacted by the Right Hon^{ble} the Lord Proprietary with the aduice and Consent of the upper and lower houses of this present Generall Assembly and the Authority of the same That there be a state house and Prison built att the Citty of S^{t} Maries the said state house and Prison to be built of brick or stone with lime & sand and to be Covered with Slate or tile laid in Morter and to be of these demencōns (viz^{t}) the said State house to be two Stories high and to Continue in length forty five foote from outside to outside with a porch in front sixteene foote Long and twelue foote broad in the Clear on the Inside and a staire case over against the Porch on the other side sixteene foote Square in the Cleere on the inside the first story of the said house Porch and staire Case to be twelue foote from the topp of the floore which shall be paved with flatt paveing Stone or Brick to the lower side of the summer and the second story to be Nine foote in the Cleere from the upper side of the board to the lower side of the summer the walls of the said house Porch and staire case to be built vppon a good secure and sound foundacōn of twenty eight inches thick from the bottom of the said foundacōn to the water table which shall be three foote Cleere aboue ground and made shelving of and The Rest of the said story to be twenty four Inches thick upp to the first floore the walls of the second story of the said house Porch and staire Case to be Ninteene Inches thick upp to to the wale plate and soe from the wall plate to the brest of the windows of the Garrett att the Gable Ends and from the brest of the said windows upp to the point of the Gable Ends fourteen Inches thick onely the said Porch to haue an arch in front six foote wide in the Cleere and Eleven foote high to the Keystone of the Arch with two Arches on each side aboue the bentles and agate into the hall of five foote wide and tenn foote high the Stairecase to haue a door to open out of the hall of the same demensions and a private doore to open into the garden of three foote wide and six foote high vnder the first halfe pace of the staires which staires shall be halfe pace Staires six Inches and a halfe riseing & a foote in stepp for the first story, and six Inches riseing and a foote in stepp for the second story all to be made of good white Oke quartered Planck and a window vppon each halfe pace the Inner doores of the first story of the said house to be four foote wide Eight foote high as alsoe the windows of the Hall which shall be Eight In number with double lights divided with a transome att two thirds of the hight of the said windoes the doores of the second story to be three foote & halfe

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wide and seven foote high and the windoes of the said story two foote & halfe wide & five foote high with double lights to be divided with a Transome att two thirds of their height which said windoes in the second story shall be eight in number as in the first story directly over the windows of the first story besides one in the second story in the Porch of the same demensions with those in the Chambers of the second story that there be three particōns in the second story as the Gouernour shall direct the said particōns double Lathed and plaistred the floores to be laid with quartered planck inch & quarter thick after plained either good white Oke or Pine of this Countrey sawen while the Turpentine is in them the doores all bottened with good substanciall hinges Spring stock locks & Latches two Iron Casements to every window in the said house the frames and Casements to be well laid in Lynseede Oyle according to art and glased with good Cleer square glasse, the summers and Girders for the floores to be sixteene & twelue Inches square the Iyce six and four Inches square standing twelve Inches a sunder the wall plates all round the house porch and Staire Case to be twelue and seven Inches square the Rafters Eighteene foote & halfe long standing twelue Inches a sunder with six paire of principalls and double purloines framed in even with the Rafters & to be morticed in & every paire of Principalls to be braced in & every paire of Rafters to haue two buttoned braces to the Collor beame every paire of Principalls to be tenn & Eight Inches square the purloines six Inches square the small Rafters four and three Inches square to be topped with mortice and Tennant and pinned att head & hipp tenanted att the foote the Laths for the tile of heart of white Oke & one Inch thick the principall Rafters of the porch & staire Case to be seven & five Inches & the feete of the Rafters to Jett over a foote & halfe on each side with Basboards att the Gable Ends & Piramedes the whole house to be well plaistered within & the Roofes well sealed & the walls well pointed without with good lime the said Prison to be Substan-

p. 9= cially built of Stone or brick laid in lime & sand twenty four foote long in the Cleer within & fifteen foote wide within Nine foote high to the plate and a particōn in the midle with a floore below paved with flatt Stone or Brick and another aboue laid with planck and Covered with tile laid in morter with Sufficient locks barrs and windowes fitt for a prison the said state house and prison to be Compleate & ended by the Last day of October which shall be in the yeare of our Lord God 1676 And for the building of which State house and prison Bee itt Enacted by the Authority aforesaid and with the aduice and Consent aforesaid that there be Leavyed by the Gouernour and Councill by an Equall Assessment vppon the taxable persons of the

said Prouince the sume of three hundred and thirty thowsand pounds of Tobacco to be payd to John Quigley his heires Executors or administrators who hath vndertaken to build the said state house & prison by the Last day of October which shall be in the yeare of our Lord God 1676 as aforesaid the same to be Leavyed and payd as aforesaid when the said John Quigley his heires Executors or administrators shall fully and Compleately have finished the State house and prison in manner & forme as is in and by this act before Expressed and declared. Liber W H & L

Provided allwaies that the said John Quigley Carry the Roofe of the upper staires of the statehouse of sufficient heighth that there may be Convenient landing & head way att the Topp of the staires.

An Act concerning Ordinary Keepers.

P. R. O. Colonial Entry Book No. 53

Forasmuch as it is found by experience that no certaine rate cann be sett upon liquers sold by ordinary Keepers by Retaile because no Rate certaine cann be set upon Marchants goods from whome the ordinary Keepers must purchase their Liquors Bee it enacted by the Right Hon^ble^ the Lord Prop^ry^ by and with the advice of the upper and lower house of this Present Generall Assembly and the Authority of the same that from henceforth every person be left to agree with the ordinary Keepers for any Liquor or other accomodacõn except bear Dyet Lodging & horse meat. And be it further enacted that from and after the four and twenteth day of June next that noe ordinary Keeper shall demand above tenn pounds of Tobacco p meale for dyet for small bear tenn pounds of tob. p gallon twenty pound tobacco p gallon for strong bear, foure pounds of tobacco for a nights Lodging in a bed with sheets, twelve pounds of tob p peck of sheld Indian Corne or Oates for a horse. Six pounds of tob. for pasture for a horse p night tenn pounds of tobacco by the night for hay or straw for a horse and be it further enacted by the Authority aforesaid that from and after the aforesaid foure & twenteth day of June next no ordinary Keeper shall credit any Freeman in this Province not being a Freeholder and depending upon his labour for the paym^t^ of his debts for any sume of Tobacco exceeding the sume of foure hundred pounds of tobacco in any one yeare upon payne of Losse of his whole Debt, whether by bill, bond or accompt due.

And for as much as some Strangers travell this Province who have no Tobacco in this Province, and other Inhabitants of this Province may spend small sums not amounting to a hogshead of tobacco bee it also enacted by the authority afore-

P. R. O. Colonial Entry Book No. 53

said that it shall be att the Liberty of the Persons entertained by the ordinary Keeper to pay as many pence in money for bear dyet, Lodging or horsemeat as there are pounds of Tobacco allowed to be demanded by the ordinary Keeper for such Beer dyet, Lodging or horsemeat before in this Act. This Act to endure for three year or to the end of the next Generall Assembly which shall first come.

Voted that this Act be sent downe to the Lower house and offered to their Consideracōn

An Act for the Repeale of Certain Lawes.

Forasmuch as the Burgesses of this present Generall Assembly have taken into their Consideracōn the great vexation and trouble which the Inhabitants of this Province are lyable unto by reason of certaine Laws hereafter named (viz^{t}) one Act made att a Generall Assembly held at S^{t} Johns on the fourth day of March 1647 intituled an act touching paym^{t} of debts. One other Act made at the same Assembly intituled An Act touching pagans, one other act made at the same Assembly intituled an act for the extent of attachm^{ts} & execucōns another act made at the same assembly intituled an act touching Court dayes, alsoe one other Act made att a Generall Assembly begunn att S^{t} Maries the fiftenth day of September 1663 and continued till Saturday the third of October following and thence adjourned till the second Tuesday in September 1664 intituled an act providing what shall be good evedence upon bills bonds and specialties coming out of England and other parts. One other Act made att a Generall Assembly held att S^{t} Maries the one and twenteth of Aprill 1649 and the 25th of Aprill 1650 intituled an act against Fugitives, one other Act made att a Generall Assembly held the tenth day of Aprill 1666 intituled an act concerning Outlawries doe pray therefore that it may be enacted and be it enacted by the Lord Proprietary by & with the advice and consent of the upp & Lower house of this present Generall Assembly and the Authority of the same that all & every of those Lawes beforemencōned be and are hereby repealed and for ever hereafter to be voyde and of none effect.

An Act for amending the wayes out of Charles County to the Citty of S^{t} Maries.

The passage over the head of Wiccocomico River being by the overflowing of the Said River since the building of the Mill there growne hardly passable and by that means daingerous for Passengers for the ease and safety of Travellers & Security

of the Province against any insurrecc̄on of the Indians who live in great Numbers in that Country Bee it enacted by the Lord Propry^{tory} by and with the advice and consent of the Upper and Lower houses of this present Generall Assembly, and the Authority of the same, that the Comissioners of S^{t} Maries and Charles Countyes by equall assesm^{t} upon the Inhabitants of each County respectively to be laid in their next meeting about mending the highwaies heretofore by Act of Assembly setled shall Leavy so much tobacco as shall effectively make a highway passable for horse and foote over such place of Zachiah Swampe within Two miles of the said Mill upward as shall seme most convenient to the Justices of the Peace of both Countyes. And bee it further enacted by the Authority aforesaid that if the Comission^{rs} of the said Counties or either of them shall neglect to rayse the Tobaccoes aforesaid or shall neglect to cause the highway aforesaid to be performed and done in such manner as aforesaid and by such means as is prescribed in an act for making highwaies and making of the heads of Rivers and Creeks passable for horse and foote or that shall neglect perfectly to compleate the same by the five and twentyeth day of March next the Com^{rs} so neglecting to Rayse Tobacco and compleat the Worke as aforesaid shall pay for a Fine Twenty Thousand pounds of tobacco the one halfe to the Lord Proprie^{ty} the other halfe to him or them that shall sue for the same in the Provinciall Court wherein noe essoyne ptecc̄on or wager of Law to be allowed.

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An Act to Reforme the Attorneys Councellors & Solicit^{rs} at Law of this Province to avoyde unnecessary Suites and Charges att Law.

The Delegates of this Present Assembly having taken into consideracc̄on the just complaints of severall of his Lopp^{s} good people of this Province by the abuse of severall persons in this Province practising as Attorneys Councellors and Sollicitors at Law in this Province by taking & exacting of excessive Fees of their Clyents whereby many of the good people of this Province are much burthened & their Causes much delayed and by the great numbers of Attorneys whereby many unnecessary & troublesome suites are Raysed and fomented doe humbly pray yo^{r} Lopp^{s} that it may be enacted and bee it therefore enacted by the Right Hono^{ble} the Lord Prop^{ty} by and with the advice and consent of the Upp & Lower house of this Present Generall Assembly and the authority of the same that there be a certain number of honest and able Attorneys admitted nominated & sworne by his Excell^{cy} the Cap^{t} Gen^{ll} or other cheif

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Govern^{r} of this Province for the time being to be Attorneys, Councellors or Sollicitors in the Pro^{all} Court Chancery Court or other Court of Record within this Province for the following & ꝑsecuting defending or pleading of any accō or accōns suite or suites in any of the said Courts and that no person or persons shalbe admitted to plead ꝑsecute or defend any suite or suites in any County Court of this Province as Attorneys Councellors or Sollicitors but such only as shalbe thereunto appointed by the Com^{rs} of each respective County Court and that all Attorneys so nominated or appointed as aforesaid shall take the usuall Oath of an Attorney and bee it further enacted by the Authority aforesaid that no person or persons w^{t}soever now admitted & sworne or hereafter to be admitted & sworne Attorney as aforesaid shall att any time hereafter directly or indirectly ask demand take or receive of any of their Client or Clients whatsoever in money goods or tobacco ready payd downe or by bill, bond, specialty or other security to that purpose to be given above the value of foure hundred pounds of tobbaco for any Fee, gratuity or reward for the ꝑsecuting following, defending, Councelling advising or pleading of any one cause or suite w^{t}soever hereafter to bee begunn ꝑsecuted followed pleaded or defended in any of the Courts held before his Lopp^{s} Justices of the Pro^{all} Court (the Chancery Court only excepted) from the first Comencem^{t} of any suite to the Finall determination thereof and for the ꝑsecuting pleading or defending of any suite in the Court of Chancery not exceeding the vallue of eight hundred pounds of tobacco and that all persons hereafter to bee admitted and sworne Attorneys in the severall and respective County Courts shall not att any time hereafter directly or indirectly aske, demand, take or receive of any of their Client or Clients w^{t}soever in money goods or tobacco ready payd downe or by bond bill or specialty or other security to that purpose to be given above the vallue of two hundred pounds of tobacco for any Fee, gratuity or reward for the ꝑsecuting following defending councelling, advising or pleading of any one cause or suite w^{t}soever hereafter to be begunn ꝑsecuted pleaded or defended in any of the County Courts wthin this Province from the first comencem^{t} of any suite to the finall determination thereof and that every such Attorney to bee hereafter admitted doe before his admittance take the usuall Oath of an Attorney and that he shalbe content with the Fees in this act limited which said severall Fees hereby allowed to the severall Attorneys shalbe allowed in a bill of Costs to either ꝑty p^{ff} or defd^{t} against the ꝑty cast. And all Attorneys, Councellors or Sollicitors taking or exacting other Fees than aforesaid and offending against the true intent and meaning of this act and being thereof lawfully convicted by

the Oaths of two sufficient witnesses shall not only loose and forfeite for every offence as aforesaid the sume of two thousand pounds of tobacco one halfe thereof to the Lord Propᵗʸ and the other halfe to the ꝑty greived to be recovered in any of the Courts of this Province by bill plaint or Informacō but shall also be excluded from being an Attorney Councill or Sollicitor in any of the Courts of this Province forever hereafter Provided that this act nor any thing therein conteyned be not construed Judged or taken to debarr any person or persons ꝑ̲ᵗᵗˢ or def̲ᵈᵗ att the tryall or hearing of their cause or causes to speak for themselves if they so desire it, this Act to endure for three years or to the end of the next Generall Assembly which shall first happen.

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An Act appointing sheriffes to take Bayle.

Whereas it hath bene observed that some sheriffes for want of taking sufficient bayle of certaine ꝑsons arrested those ꝑsons soe arrested and not putting in good Bayle either neglect to make their appearance in ꝑson or by their Attorney in Court as they ought to doe or else they doe convey themselves out of the ꝑvince before the accō comenced come to be tryed to the great damage of the pltᶠˢ in such accōns and whereas severall ꝑsons defdᵗˢ being soe arrested and having put in sufficient Bayle not only to appeare but also to abide Judgement according to an Act of Assembly in that case made and Provided have been compelled to make their appearance in person to the Proᵃˡˡ Court and there have been constrained to put in spetiall bayle or to lye in person in the sheriffs of Sᵗ Maries Countys custody in which County many minds they are strangers and cannot ꝑcure bayle as they might in the Counties where they dwell and to the end the severall sheriffs may be the better directed and ascertained what bayle to take to every such accōn hereafter to be brought Bee it enacted by the Right Honᵇˡᵉ the Lord Propᵗʸ by and with the advice and consent of the Upper and Lower houses of this ꝑsent Generall Assembly and the Authority of the same that noe Clkˢ of the Proᵃˡˡ or County Court within this Province shall suffer any writ or writs to issue out of their severall courts before such time as the Pltᶠ in such accōn doe stile his declaracōn or peticōn with such Othe a copy of which declaracōn or peticōn under the Clkˢ hand is with the said writ to be sent to the sheriffs before he shall be obliged to arrest the Party defendant and then the sheriffe is to deliver the said copy to the party arrested and shall take sufficient bayle of all parties so arrested not only to appear in the severall courts to which hee is arrested

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att the returne of the writ but also that he shall stand to and abide such Judgement and finall determination of the cause as shall be made att the tryall and hearing thereof and noe Defdt that hath given such bayle as aforesaid shall be obliged to put in any other speciall Bayle but that such bayle shall in case the ptie defdt shall not appear and abide Judgement be lyable to make the ptis satisfaccon for his debt and damages and costs as much as if he or they had entered speciall bayle in Court and shall or may be poceeded against in the shers name as is usually done against those that are or have bene spetiall bayle as aforesaid any law custome or usage to the contrary notwithstanding this law to endure for three yeares or to the end of the next Generall Assembly which shall first happen.

An Act for Reviving of certaine Lawes within this Province.

Forasmuch as many good and wholesome lawes have formerly bene made in this Province which being tompoary will of themselves expire if not renewed and continued by this psent Generall Assembly. Bee it enacted by the Right Honble the the Lord Proptie of this Province by and with the advice and consent of the Upp and Lower houses of this psent Generall Assembly of this Province and by the Authority thereof that an act be made at a Generall Assembly beginn the XXVII of Aprill 1658 intituled an Act concerning the Wage of Tobacco hogsheads. One other Act entituled an act for registring births, marriages and burialls, one other Act made att an Assembly held at St. Johns the 17th day of Aprill 1661 entituled an Act for appointing certaine officers (except the last Clause for nominacon of sheriffs) one other Act made at the same Assembly intituled an act for military disciplin, one other Act made at the same Assembly entituled an Act concerning the height of Fences one other Act made at the same Assembly, entituled an Act for conveyance of all Letters concerning the State and Publique affaires, one other Act made at a Generall Assembly held att St. Maries the first of Aprill 1662 Intituled an act for Publicacon of marriages. One other Act made at the same Assembly Imposeing a Fee on those whoe shall be married, one other Act made at the same Assembly entituled an act concerning Indians, one other Act made at the same Assembly entituled an Act concerning the Secretary and an addicon to his Fees (except this Clause in the said Act (vizt) that the Secretary of this Province shall send to each respective County Court within this Province all the Lawes in force with the lesser seale affixed to them for the which each respective County

shall pay to the Secretary one thousand pounds of Casked tobacco which is not to stand revived) One other Act made att a Generall Assembly held att S^{t} Maries the 15th day of September 1663 and there continued till Saturday the third day of October following and thence adjourned untill the second Tuesday in September 1664 entituled an Act ꝑhibiting arrests on the Sabbeth dayes and dayes of Generall Muster & treyning. One other Act made at the same Generall Assembly entituled an act for amerciam^{ts} in the Pro^{all} and County Courts, one other act made att a Generall Assembly held att S^{t} Maries the 10th day of Aprill 1666 entituled an act ꝑhibiting trade with the Indians for any Flesh dead or alive except dear and wild fowle, another act made att the same Assembly entituled an act for the Clks Fees and allowances for Jurors in Civill causes another Act made att a Generall Assembly held at S^{t} Maries the thirteenth day of Aprill 1669 entituled an addiciōnall act to the law for the publicacōn of Marriages, one other Act made at the same Assembly intituled an act for limitacōns of accōns to avoyd Suites at Law, another Act made at the same Assembly entituled an Act ꝑviding sufficient Freight & Carriage for the ꝑper goods and cōmodities of his Lopp. the Lord Prop^{ty} of this Province and of the Governor of this Province for the time being, one other act made at the same Assembly entituled an act against Forraign Ingrosers. One other Act made at a Generall Assembly held at S^{t} Maries the 17th of March 1670 and prorogued till the tenth of October 1671 entituled an Act touching Coopers one other act made at the same Assembly entituled an act against hoggstealers, one other act made at the same Assembly intituled an act for Coronors Fees, one other act made at the same Assembly intituled an act for the sowing of hemp and flax, one other act made at the same Assembly intituled an act for marking highwaies and making the heads of Rivers, Creeks, Branches and Swamps passable for horse and foote, another Act made at the same Assembly entituled an act for the Killing of wolves the same acts and every of them are hereby revived and confirmed for the tearme of three yeares or to the end of the next Sessions of Assembly which shall first happen.

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An Act for Erecting a Court house and prison in every County within this Province.

The upper and lower houses of this present Generall Assembly taking into their serious Consideracōns the great dishonour & incomodiousnesse that attends the present Goverm^{t} of this Province for want of Court houses & prisons in each respective

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County therein doe humbly pray that it may be enacted and bee it enacted by the Right Hon^ble^ the Lord Prop^tr^ by and with the advice and consent of the Upper and Lower houses of this present Generall Assembly and by the Authority of the same that the Commissioners of every respective County within this Province sometime within two years after this Sessions of this ꝑsent Generall Assembly shall and are hereby empowred to ꝓvide erect and build (in every of their respective Counties at the Cost & Charge of every of the said Counties) A Court house in such forme and in such places as they in their Discretions shall adjudge most suitable and convenient for the dispatching the affaires of their respective Counties and also one good strong house for a prison to be erected and built at the costs & Charges as aforesaid sometime within one year after the Sessions of this ꝑsent Generall Assembly and if the Comm^rs^ of any the respective Counties shall neglect to procure and hire workmen to erect and build such houses within the time before limited or to leavy and defray such necessary Charges as the carrieing such affaires as aforesaid and in such time Limited as aforesaid does require. That then they shall and are hereby lyable to a Fine of tenn thousand pounds of Tobacco the one halfe to the Lord Prop^ty^ the other halfe to be imployed to the use and behoofe of every the said respective Counties where such neglect hapnes as his Lopp^s^ Justices of the Provinciall Court shall adjudge requisite.

An Act against the Prophaning of the Sabbath day.

Whereas the Lawes of this Province have allready provided for punishing the Prophanacō of the Sabbath or Lords Day but noe Restraint laid on ordinary Keepers and others who make it their comon practice on that day to Keep in and about their houses Drincking, Tipling and gaming and suffer and mainteine the same to the great dishonour of Allmighty God the Discredit of Christianity and the debauching of youth and the encrease and encouragem^t^ of vice and Profanesse amongst all sorts, bee it therefore enacted by the Right Hono^ble^ the Lord Prop^tty^ by and with the advice and consent of the Upper and Lower houses of this Present Generall Assembly and by the Authority of the same, that noe ordinary Keeper shall from and after the publicacōn hereof directly nor indirectly upon the Sabbath or Lords Day draw or sell any strong Liquors nor permit or suffer in or about their house or houses any tipling or gaming att Cards, Dice, ninepinn playing or other such unlawfull exercises whatsoever upon payne & forfeiture for every

Repealed.

such offence being convicted thereof by two sufficient witnesses the sume of two thousand pounds of Tobacco, the one halfe to the Lord Propty the other halfe to him or them that shall informe and sue for the same and bee lyable to loose his liberty and lycence for ordinary keeping at the discrecōn of the Capt Generall or other Officer to whom the power of granting Lycences for ordinary Keeping shall from time to time belong. And for further prevencōn of abusing and prophaning the Sabbath or Lords Day Bee it enacted by the Authority aforesaid that if any Master of a Family or other person having an Orchard or having strong Liquors to expose to sayle and shall sell any strong liquors or any of the produce of such orchard on the Sabbath or Lords Day as aforesaid shall for every such Offence forfeit and pay two thousand pounds of Tobacco the one halfe to the Lord Propty the other halfe to him or them that shall sue for the same which said Fines in this Act shalbe recoverable by bill, plaint or informacōn wherein noe Essoyne wager nor protecc̄on in Law to be allowed this Act to endure for three years or to the end of the next Generall Assembly which shall first happen. P. R. O. Colonial Entry Book No. 53

An Act for payment and assessing the Publique Charges of this Province.

Whereas there have bene two hundred and forty thousand two hundred fifty and eight pounds of tobacco expended laid out and disburst by the Upper and Lower Houses of this Present Generall Assembly and by severall other good people of this Province for the Publique good of the same and to the intent that the same may be satisfied to those persons to whome it is due Bee it enacted by the Right Honble the Lord Propty by and with the advice and consent of the Upper and Lower Houses of this present Generall Assembly and by the Authority of the same that the said two hundred and forty thousand two hundred fifty and eight pounds of Tobacco be payd in manner and forme as is hereafter expressed that is to say To Charles Delaroch for Publique expenses seaven thousand, seaven hundred and six pounds of Tobacco to Mr Robert Ridgely for Publique Charges for the Upper and Lower Houses the sume of twenty and nine thousand six hundred seaventy and seaven pounds of Tobacco. To Garrat Vanswaringen for Publique expences, the Burgesses, twenty eight thousand nine hundred forty & nine pounds of Tobacco. To the said Vanswaringen for building the Stocks and whipping post in St Maries Citty eight hundred pounds of Tobacco. To the said Vanswaringen for a Chest to secure the Records two hundred and fifty pounds

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of Tobacco to the said Vanswaringen for the Burgesses Charges till they depart two thousand pounds of tobacco To George Beckwith for the Upper house seaven hundred thirty and two pounds of Tobacco, to the Inhabitants of Ann Arundell County for severall disbursemts to souldiers going to Petapsso foure thousand pounds of Tobacco To Thomas Junes for guarding the Records five hundred pounds of Tobacco to Garrat Vanswaringen for grand Juries Charges five thousand five hundred and sixteen pounds of Tobacco to Will: Palmer of Baltemore County for boat hands and provision & goeing to the Governors eight hundred pounds of Tobacco To Edward Harish of Ann Arundell County One thousand pounds of Tobacco. To Thomas Wynn for nine days time in removeing the Records two hundred and sixty pounds of tobacco To Mr Nathaniell Stiles for expences concerning Prisoners three hundred and sixty pounds of tobacco. To Richard Moy for the Upper houses expences three hundred pounds of Tobacco To Capt Howell for his march to the Whorekill Two thousand pounds of Tobacco to the said Howell for thirty five men at foure hundred pounds of Tobacco p man foureteen thousand pounds of tobacco To the same Howell for his Leweten: seaven hundred pounds of Tobacco for his ensigne six hundred pounds of Tobacco and for his sargeant five hundred pounds of Tobacco. In all eighteen hundred pounds of Tobacco to the said Howell for pvisions and necessaries seaven hundred seaventy and six pounds of tobacco for his attendance upon a prisoner at warr. One thousand pounds of Tobacco To Richard Moy for grand juries Charges thirty thousand pounds of Tobacco to Randell Revell for Charges anno 1670 Two thousand pounds of tobacco To John Baker for the upper house three hundred and tenn pounds of tobacco to Capt John Litchington Twenty thousand pounds of Tobacco To Richard Boughton and Robert Ridgely Clks each three thousand in all six thousand pounds of Tobacco To Charles Boletor Clerke of the Comitte twelve hundred pounds of Tobacco To Thomas Wynn and William Gater Dorekeepers each six hundred pounds of Tobacco in all twelve hundred pounds of Tobacco To William Hey of Baltemore County Dorekeeper of the Comittee two hundred pounds of Tobacco To Mathias Wood Drummer of Kent three hundred and fifty pounds of Tobacco, to Peter Evre for engrossing Lawes foure hundred pounds of Tobacco To Robert Wade of Ann Arundell County six hundred ninty and one pounds of Tobacco To Robert Ridgely for expences till the assembly breake upp two thousand pounds of Tobacco To his Excellency for defence against Indians as by an act to that purpose fifty thousand pounds of Tobacco To Mr Thomas Taylor for hire of horse and man and other expences twelve hundred

pounds of Tobacco To Mr Thomas Trueman foure hundred and fourty pounds of Tobacco To the severall sheriffs for Sallery for Collecc̄on twenty one thousand eight hundred forty one pounds of Tobacco and that the said two hundred and forty thousand two hundred fifty and eight pounds of Tobacco bee by the governor and Councill leavyed by an equall assesment upon the persons and estates of the Inhabitants of this Province and payd to the severall ꝑsons aforenamed to whome it is due the next insueing Cropp. Any law to the contrary hereof in any wayes notwithstanding.

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PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a session held at St. Mary's, February 12–24, 1674/5.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

At an Assembly Begun and holden at the City of S[t] Maries the 27th Day of March in the thirty Ninth year of the Dominion of Cecilius &c: Annoq Domini 1671 and there Continued untill the 19th of April Ensuing and thence Prorogued untill the 10th Day of October following and Continued untill the 20th of the said Month and then Prorogued again untill the 19th of May following and Continued untill the 6th Day of Iune and then Prorogued untill the 29th of September, And on the 15th of August next ensuing Declared and Published to be prorogued from the said 29th Day of Septem[r] untill the 13th Day of April next, and on the 14th Day of October next Ensuing Declared and Published to be no Longer Prorogued than till the 9th of February Instant 1674 and on the said 9th Day of February further Published and Proclaimed for Speciall Causes not to be held till the Twelfth Day of this Instant February, On which Day Appeared to the Upper house of Assembly—

The Right honourable Charles Calvert Esq[r] Cap[t] Generall
The honourable Philip Calvert Esq[r] Chancellor
Coll: William Calvert Principall Secretary
Samuel Chew Esq[r] Baker Brooke Esq[r] Sur Gen[l]
Thomas Truman Esq[r] Jesse Wharton Esq[r] Thomas Taylor Esq[r]

And also on the Same Day and Soon after appeared the Deputies or Delegates of the Lower house of Assembly Viz[t] for.

S[t] Maries City	M[r] Thomas Notley M[r] Robert Carvile
S[t] Maries County	Cap[t] William Boarman M[r] William Hatton M[r] Thomas Dent Lieu[t] Coll: Iohn Jarboe
Kent County	M[r] Arthur Wright M[r] William Bishop
Ann Arundel County	Cap[t] William Burgess M[r] Cornelius Howard M[r] Robert Franklyn

U. H. Journal 1659–98

Calvert County	Major Thomas Brooks Mr Richard Hall Mr William Berry
Charles County	Mr Henry Addams Sick Mr Jgnatius Causeen Mr Iohn Bowles
Baltimore County	Capt Thomas Todd Capt George Wells
Talbot County	Mr Richd Woolman Capt Philemon LLoyd sick Mr Ios: Weekes Mr Wm Hambleton
Somerset County	Capt Paul Marsh Mr Roger Woolford
Dorchester County	Mr Henry Trippe Mr William Ford
Cecil County	Mr Henry Ward Mr Abraham Wild

His Excellency the Capt General having Declared the Reasons of this Sessions Desired them to repair to their own house and Betake themselves to the Business for which they were Chiefly called together.

p. 378 Mr Thomas Notley is Continued Speaker to the Lower house of Assembly

Richard Boughton is Continued Clerk to the Upper house, and Robert Ridgley to the Lower house.

The house is Adjourned till one a Clock in the Afternoon.

The house mett present as in the Morning.

Lower house of Assembly 12th February 1674

This house taking into their Consideration that there is no return to this house of the Burgesses Names for Cecil County, Whereby they cannot for want of them make an Order for Setling the house, and a Member of this house and Mr Charles Iames Coroner for Cecil County having informed this house, that Mr Iohn Vanhesk Mr Henry Wild Mr Abraham Wilde & Mr Thomas Salmon were Elected Burgesses for the said County, and Since that it cannot be a general Assembly and the Names of one County Totally omitted in the Iournal of this house, Ordered that Major Brooks and Mr Dent attend his Excellency and Upper house & desire to know of his Excellency. Whether the aforesaid Names do agree with his Excellencies Letter from the Sheriff of the County, Jf they do, then that his Excellency would Satisfie this house therein and further to desire his Excellency that if in Case he shall not think the said Per-

sons to be duely Elected, whether this house shall Wave the said County in their Orders for Settling this house. U. H. Journal 1659–98

Upper house 12th february 1674.

Jn Answer to the Paper from the Lower house Touching the Return of Burgesses Names for Cecil County his Excellency doth hereby Satisfie the Lower house that the Burgesses Names for the said County Mentioned in their Paper are the very Same with the Names Mentioned in the Letter Sent to him by the Sheriff of the said County and further saith that it not Appearing as yet whether the said Burgesses were duely Elected or no: Jt is his Excellencys desire that they would Wave the said County in their Orders for Settling their house

The house is Adjourned till 9 of the Clock to Morrow Morning

Saturday 13th of February the house mett

Present as yesterday.

The Sheriff of Cecil County Appears and informs the house that the Burgesses for the said County being duely Elected by the Major part of the County have made their Appearance in the Lower house, But the Burgesses of Baltimore County not as yet appearing, and the Lower house thinking fitt for that reason to Adjourn this house is likewise Adjourned till 9 of the Clock on Monday Morning.

The house is Adjourned till 9 of the Clock on Munday Morning

Monday 15th february the house mett.

Present:

The Honble Governor Chancellor & Secretary Saml Chew Esqr— } Baker Brooke Esqr Thos Truman Esqr Jesse Wharton Esqr Thomas Taylor Esqr

Lower house february the 15th 1674. p. 379

This house desires the Captain General that in Case of Warr with the Indians he would acquaint this house what Quantity of Arms and Ammunition he hath in present readiness for Such an Expedition.

In Answer whereto his Excellency doth Assure the Lower house that he shall have Arms in Readiness for two hundred Men & Ammunition for more

U. H. Journal 1659–98

15th February Upper house

This house desires that the Lower house will take into their Consideration the Inconveniencies and Mischiefs that have happened for want of a Law in this Province impowering the Chief Iudge for Probat of Wills and Testaments to Grant Letters of Administration upon Good Security given by Such persons who for Conscience Sake cannot Swear, and together with this Message do send a Petition Addressed to them wherein the Sufferings of a certain Widdow the Petitioner are Sadly Represented, Whereupon this house do desire the Lower house to prepare a Law for the future. Remedying of the Mischiefs and Inconveniencies aforesaid.

The house is Adjourned till 9 of the Clock to Morrow Morning.

Tuesday the 16th of February the house mett.

Present

The Chancellor	Saml Chew Esqr—
Secretary—	Thos Trueman Esqr
Surveyor Generall	Thomas Taylor Esqr

This house is Adjourned till two of the Clock in the Afternoon

The house mett in the Afternoon.

Present

Chancellor	
Secretary	Mr Truman
Sur Genl	Mr Taylor

The Petition of Iohn Long of London Merchant read, Assented to by the Upper house and Ordered to be sent Down.

Mr Taylor Sent with the Widdow Warners Petition and a Message Endorsed thereon the 15th of February.

Lower house 16th February.

Put to the Vote in this house whether 25lb Tobacco pr Poll to be Collected the next year and Deposited in his Excellencys hand will be Sufficient to Sustaine the Charge of the Warr with the Indians if it should so happen untill the the Assembly can be called to Supply further; Jt was by the Major part Voted Sufficient, Whereupon Ordered that a Message be sent to the upper house with the said Vote and Humbly to desire them to Consider thereof and to Return their Opinions concerning the Same to this house.

Upper house February 17th U. H. Journal 1659–98

This house desire to be informed by the Lower house what they conceive is fitt to be done with the Susquehannah Indians who are said to be now at Patuxent River.

This House is Adjourned for two hours.

' The house met p. 380

Present

The Governor	Mr Chew—
Chancellor	Mr Truman
Secretary	Mr Taylor
Sur Genl	

Comes into the house a Petition of the Lower house as followeth Vizt

To the Honourable Charles Calvert Esqr Lieutenant General and Chief Iudge of the Provincial Court of the Right honourable the Lord Proprietary—

The humble Petition of the Deputies and Delegates of the Lower House of Assembly

Humbly Sheweth to your Excellency

That whereas Iohn Cowman being Arraigned Convicted and Condemned upon the statute of the first of King Iames of England &c for Witchcraft Conjuration Sorcery or Enchantment used upon the Body of Elizabeth Goodale and now Lying under that Condemnation, and hath humbly Implored and Beseeched Us your Lordships Petitioners to Mediate and Interceede in his behalf with Your Excellency for a Reprieve and Stay of Execution—

Your Excellencies Petitioners do therefore accordingly in all Humble Manner beseech your Excellency that the Rigour and Severity of the Law to which the said Condemned Malefactor hath Miserably Exposed himself may be Remitted and Relaxed by the Exercise of your Excellencys Mercy & Clemencie upon so wretched and Miserable an Object

And your Petitioners as in Duty bound will pray &c

Signed by Order of the house Robert Ridgley Clk

Upper house february the 17th

The Lieutenant General hath Considered of the Petition here above and is willing upon the request of the Lower house that the Condemned Malefactor be reprieved and Execution Stayed, Provided that the Sheriff of St Maries County carry him to the Gallows, and that the rope being about his neck it be there

U. H. Journal 1659–98 made known to him how much he is Beholding to the Lower house of Assemblie for Mediating and Interceeding in his Behalf with the Lieu[t] General and that he remain at the City of S[t] Maries to be Employed in Such Service as the Governor and Council shall think fitt during the Pleasure of the Governor.

M[r] Truman Sent with Longs Petition & Lease to the Lower house.

The Honourable Chancellor Secretary and M[r] Taylor Desired to give Answer to the Message touching the 25[lb] Tobacco p[r] Poll to be Levyed for the Indian Warr who go forth Accordingly.

The House is Adjourned till to morrow Morning 9 of the Clock

On Thursday the 18th February the house mett—

Present

p. 381 The Honourable { The Governor, Chancellor, Surveyor Gen[l] } { M[r] Chew, M[r] Taylor }

The Petition of Thomas Hawkins comes in and is as followeth Viz[t]

To the honourable the Governour and Council Sitting in the Upper house of Assembly—

Humbly Sheweth

That Whereas certain Indians have lately broke into your Petitioners House with Violence and Spoiled him of all his Goods so that he hath not a Bed left him to Lye on or a Spoon to eat his Victualls Your Honours Petitioner Humbly prays Your Honours that the Publick may Afford Your Honours Petitioner some Allowance for his great Loss and Damage Sustained hereby & Your Petitioner shall &c.

Upper house 18th february

Upon Consideration of this Petition, This house is ready to Ioin with the Lower house in any Act of Charity as they shall think fitt to be Extended to the Petitioner, and M[r] Chew sent to the Lower house with this Petition.

The house is Adjourned till two of the Clock in the Afternoon.

The house mett in the Afternoon

Present

{ The Governor, Chancellor } { Surveyor Gen[l], M[r] Chew }

Lower house 17th February U. H. Journal 1659–98

Jt was put to the Vote in the Lower house whether it be not Convenient that an Act be drawn up to Impower the Lieutenant General for one year to lay a Publick Levy upon the Inhabitants of this Province for Defraying the Charge of the Indian Warr if Occasion be.

Voted Necessary for one year and that the Concurrence of the Upper House be desired with this house in the said Vote

Upper house 18th February.

This house desires to be Satisfied by the Lower house whether it be the Sense of that house that the Governor and Councill shall be Empowered to Levy the Charge of the Indian Warr for one whole year or only till the time of laying the publick Levy next year.

Lower house 17th february.

A proposall in this house whether it be Convenient for this house to Consider that a Law be provided for Arms and Ammunition to be kept in Every County for their Defence or at leastwise in the Upper Counties where the Inhabitants at present are most in Danger

It being putt to the Vote, Voted Necessary and that there be thirty fire arms with Sufficient Ammunition in each County and that his Excellency be Desired to Concurr with this house in their Vote, and that the Parties to be Intrusted with the said Arms and Ammunition be Such as his Excellency shall think fitt to appoint.

Lower house February the 18th. p. 382

This house having reassumed the Debate touching the Law for Empowering the Iudge in Testamentary Business to grant Administration without Oath, Voted that this house send a Message to the Upper house to desire the Lieutenant General to acquaint this house if he hath received any Instructions from the Lord Proprietary touching the Dispensation with Oaths of Persons that cannot Swear for Conscience Sake as well upon Administrations as all other Affairs, and if he hath any Such Instructions, then this house humbly Desire him to inform them thereof

Lower house 18th February.

Voted in this house that it is the Sense of this house, that the Gov[r] and Council be Empowered to Levy the Charge of

U. H. Journal 1659–98

the Indian Warr for one whole year from the 14th of February Instant

Mr Chew sent with a Verball Answer to the Message touching Instructions from the Lord Proprietary for Dispensing with Oaths.

Three times read an Act for Regulation of Attorneys fees and Passed

Mr Taylor Sent with the following Message to the Lower house Vizt This house is of Opinion that a Bond &t proved before the Mayor of any Town Corporate and Certified under the Common Seal of the Corporation with Oath made that no payment hath been made &c: ought to be Admitted in this Province as well as a Bond proved before a Notary Publick and that such words ought to be Added to the Act, Providing what shall be Good Evidence to prove Foreign Debts.

The house is Adjourned till to Morrow Morning 9 of the Clock.

On Friday february 19th the house met.

Present

The Governor	Mr Truman
Sur General	Mr Taylor—

Read an Act Empowering Nathan Heathcote to make Sale of Land Willed to be sold by the Widdow Brewer Deced and the Same Disassented to by this house.

The house is Adjourned for two hours

This house mett

Present

The Governor	Surveyor Genl
Chancellor—	Mr Chew—
Secretary—	Mr Taylor—

Upper house 19th February.

Some of the Great Men of the Susquehannahs were this Day Admitted into this house and being asked their Business they Desired to know what part of the Province Should be Allotted for them to live upon But before this house will return them an Answer it is thought fitt to Desire the Lower house to Signifie their Advice & Opinions herein

p. 383 And Mr Taylor carrying the Message accordingly.

Lower house 19th February 1674

It is the Opinion of this house that should the Susquehannah Indians be permitted to live among the Respective friend Indian

Nations this Year it may be of Dangerous Consequence to the Province in General. U. H. Journal 1659–98

1st That their living among them may Corrupt Our Indians and Mould them So to their own future Designs as it will inevitably prove prejudicial to this Province in Generall.

2dly: This house hath reason to Suspect that the Designs of the Susquehannahs in coming among the English and Claiming Protection may be out of Design Purposely to Discover the Strength of the Province and the Advantages they may for the future take should they be evily inclined which will be of very Dangerous Consequence should they be Admitted to remain this Year among the Neighbour Indian Nations.

3dly: We have reason further to Suspect that the Susquehannahs & Senecas have private Correspondence together Notwithstanding the Seeming Warr between them which may be of Dangerous Consequence to this Province should they be permitted among the Neighbour Indians

4thly Jf they are Absolute Enemies to the Seneca's yet it will so Exasperate the Senecas for us to Entertain them that should a Warr this ensuing Year happen between the Senecas and them, the whole Province in Generall must of Necessity Suffer and therefore this house is of Opinion that it will be more Safe that the Governor appoint them a Place above the falls of Potomack there being time enough if immediately Laid hold on,) to Clear Ground enough to Plant Corn this year which is the only thing they Seem to desire to live among the Neighbour Indians for

Upper House.

The honourable Chancellor, Surveyor General, Mr Chew, and Mr Taylor Desired to give a Verball Answer from this house touching the Opinion of the Lower house and reasons thereof hereabove Sent to this house who go forth accordingly

Lower house 19th February.

Jt was proposed to this House Whether if the Susquehannahs should refuse to Remove to such place as the Governor Pleaseth to appoint them at the head of Potowmack, they shall be forced by Warr to remove or not; Voted that they shall go where the Governor pleaseth to appoint them or that they shall be forced by Warr

Upper house 19th.

Upon Consideration of the whole Matter by this house the Interpreter was Ordered to lett Harignera the great Man of the Susquehannahs know, that when he was at Mattapanie

U. H. Journal 1659–98 with the Governor he then told the Governor he would be Contented if the English would lett him and the Susquehannahs live at the falls of Patowmack, That the Governor hath Moved to the Assembly to permitt them to Live above the falls upon his Desire then made to the English and the Governor, and that the Assembly were well Contented they should live above the falls but are not willing to lett them plant Corn
p. 384 nearer the English lest the English and the Susquehannahs fall out and fight

Jn Answer whereto after Some tedious Debate the Susquehannahs did Signifie to the Governor by their Interpreter that they would Condescend to remove as farr as the head of Potowmack.

The house is Adjourned till 9 of the Clock to Morrow Morning

On Saturday 30th February the house mett.

Present

{ The Governor / Chancellor / Mr Truman } { Mr Chew / Mr Taylor }

His Lordships Commissioners for Baltimore County being Divided in their Opinions touching the most Convenient Place for Building a Court house & Prison in the said County (in pursuance of an Act for a Court house and Prison in every County) and Captain Thomas Todd Exhibiting his Petition to the Upper house and praying Some certain Order and Direction of this house touching the Place for Erecting the sd Buildings, This house doth Conceive that the most Convenient Place for the same will be the head of Gunpowder River on the North Side and therefore it is hereby Ordered that the Commissioners for the said County do take Notice hereof and appoint the Erecting the said Buildings in the Place here ascertained

Read an Act for Allowance of longer time to the Counties, for Erecting Court Houses and Prisons & the Same Quashed in this house

Read an Act for Regulating the Several and respective County Clerks fees and upon Debate thereon it is Conceived that the Act of Assembly Ascertaining the Clerks fees is a Sufficient guide and rule for the Clerks in setting their fees and therefore any other List of the same is Iudged needless and further this house doth Conceive that there is already as little allowed the Clerks as can be reasonably Desired and if any of the Clerks shall Exact fees and charge unreasonable Accounts upon Complaint they are to be Indicted but the house

is of opinion that the Act already established for Clerks fee's is to be Continued. U. H. Journal 1659–98

Read an Act against Declarations going out with the Writts, and it is the Opinion of this house that it is necessary that the Declarations be sent with the Writts upon all Actions Depending in the Provincial Court and that the parties Come to Tryall the first Court if the Court shall think fitt but this house conceive that the Sending the Writts with the Declarations in the County Courts may be omitted

Read an Act appointing Sheriffs to take Baile, The upper house Assents to the Same with the Amendment.

Voted by this house that the Governor be requested to take good Security of the Ordinary keepers at S[t] Maries for the Provision of Stable room for Twenty Horses by Michaelmas next. and provision and Sufficient horse meat for the said horses as long as they shall remain here and for Provision of Twelve feather Bedds by the Twelfth of December next and also to take the like Security of the Ordinary keepers in the Several Counties where Courts are kept

The honourable Chancellor is desired to carry down the Act Providing what shall be good Evidence to prove foreign Debts, the Act for Limitting the Extent of Attachments, the Act for relief of Such persons who in Conscience are not free to Swear and to let the Lower house know that if they think fitt to allow a fortnights time for the Consideration of the said Acts they will accordingly Consider of them but are unwilling to Enter thereon Considering the short time the Present Assembly is to hold. p. 385

Upper house 20th February

Jt is the Desire of this house to break up the present Session on Munday next in Order whereto they desire to be informed by the Lower house whether the present Business lying before them is like to be dispatched by that time.

Lower house 20th.

This house assures the Upper house they will dispatch their Business as fast as they can, and when they Draw near to a Conclusion will acquaint the Lieuten[t] General.

The house is Adjourned till 9 a Clock on Monday Morning

On Monday the 22[d] february the house mett

Present.

The honourable { The Governor, Chancellor, Sur General } { M[r] Chew. M[r] Taylor }

U. H. Journal 1659–98

Lower house 20th February

Upon reading the Vote of the Upper house touching Ordinary Keepers this house concurr with the Upper house in the said Vote Nemine Contradicente and do Ioin with the Upper house in Petitioning the Lieutenant General for the Same Provided that there may be no Ordinaries in any other Place of this Province but where the Courts are kept.

Lower house 22d february.

Put to the Vote by a Member of this house whether this house should not present his Excellency with Some Considerable Present towards the Defraying his Charge by keeping his house at St Iohns and entertaining the Members of the Upper house there; Voted Necessary, and that his Excellency be allowed in the next publick Levy Thirtie thousand pounds of Tobacco as a Present to his Excellency from this house.

Thrice read the Act for Regulation of Attorneys fees & Assented to by the Upper house.

Thrice read an Act Empowering the Governor and Council for making a Warr or Peace with the Indians and Passed.

Upper house 22d

This house Concurrs with the Lower house in the Vote touching the Present to the Governor

Lower house 22d

p. 386 A Motion of a Member of this house that Whereas the Upper house have not passed the Bill for relief of tender Consciences in Case of Administration; Whether that a Law should not be Drawn up that any Such tender Conscienced person having right to Administration and is not free to Swear, then that the Iudge in Testamentary Business shall grant Administration upon Good Security given by such person as the said Person that hath right to Administration shall Nominate; Voted Necessary and that a Message be sent to the Upper house to know if they will Concurr wt this house in this Vote

Upper house 22d

This house Concurrs with the Lower house in the Vote here above (Nemine Contradicente)

The two Writts of Error brought by Thomas Chandler and Wm Russell both of Ann Arundel County Inholders against two Severall Iudgments Obtained against them by Iohn Wells of

upon two Several Informations Ordered to be both Quashed because no Errors Assigned

Lower house 22d

U. H. Journal 1659–98

Jt was Proposed by a Member of this house that there may be Special Courts Appointed for Tryall of Causes relating to Masters, Merchants, and others that are Speedily to Depart this Province and that the Secretary and all other Officers may have Double fees and that the Expences of the Iudges and Iurors and Officers be Born by the party that Desires it, and that the Party desiring it Deposite for that Purpose (by Good Security given) Two thousand pounds of Tobacco and to be Allowed it in the Bill of Costs to be born by the Party that is Cast and that the Iurors in Such cases have double Allowance (for their Attendance) of what they are Allowed at other Courts, and that the Governor in Such Cases as he shall think fitt appoint from time to time Iudges for the Same and Such Special Courts to be held at Such Place or Places as the Governor shall think fitt, Voted accordingly and that the Concurrence of the Upper house be desired with this house in the said Vote and that a Law be drawn up for that Purpose

The house is Adjourned till 2 a Clock in the Afternoon

The house mett in the Afternoon

Present as in the Morning

Lower house 22d

Voted that a Message be sent to the Lieutenant Generall to Desire him to call in all Licences Except Such as live where Courts are kept according to the Votes of both houses and that the Iustices of the Respective Counties may take care to Suppress all others.

The house is Adjourned till 9 of the Clock to Morrow Morning

On Saturday the 23d February the house mett

Present { The Chancellor, Secretary, Survey. Gen.l } { Mr. Truman, Mr. Chew &, Mr. Taylor }

Upper house

p. 387

This house having Considered the Message from the Lower house Sent to the Lieutenant General on the 22d Instant requesting him to call in all Licences for Ordinaries Except Such as are kept at the Places where Courts are kept are of Opinion that there are other Places in the Province where Ordinaries are as Absolutely Necessary as at Courts (Viz.t) where ferrys are and Many Ships do ride, and in regard the Delegates for the whole Province are now Present who know the

U. H. Journal 1659–98

Necessities of the People and Conveniencies of Places for Ordinaries, Jt is Desired by this house that the Lower house would Name Such Places to this house where Ordinaries are Necessary, that this house may Ioin with them to request the Lieutenant General to Suppress all other Ordinaries.

Upper house.

This house desires to be informed by the Lower house upon what Grounds and reasons the Acts for Encouragement of Planting Hemp and Flax and for Sheriffs taking Baile are left out of the Act for Reviving of certain Laws.

Lower house.

Upon reading the Message next above from the Upper house, this house having taken the same into Consideration find no reason for their Revivall and therefore have Omitted them in the Act for Revivall of Laws.

Lower house

Upon reading the forgoing Vote of the Upper house touching Ordinaries this house is of Opinion that besides the places where Courts are kept there is one Ordinarie Necessary in Ann Arundell County at Mr Richard Hills and two in Patuxent Vizt at Mr Richard Keenes and Mr George Beckwiths and one in Dorchester at Peter Underwoods and one at the Wading place Between Kent and Talbot and no more in the whole Province, And this house requesteth the Upper house to Ioin with them to Petition the Lieutent General to Suppress all other Ordinaries whatsoever.

Upper and Lower Houses

To the honourable the Lieutenant General

The Petition of the Upper and Lower houses of this Present Generall Assembly.

Sheweth—

That Whereas both Houses have by their Unanimous Vote thought fitt that no Ordinaries be kept in any place of this Province but where the Provincial Court and County Courts are kept and Besides in Ann Arundell County at Richard Hills; in Patuxent at Richard Keenes & George Beckwiths; in Dorchester County at Peter Underwoods and one at the Wading place between Kent and Talbot Counties and no more in the whole Province, and these to Give good Security to Maintaine Stable Room and Provision for Twenty Horses apiece and Twelve feather Beds with Suitable furniture before they have any Licence from Your Honour, We your Honours humble

Servants and Members of both houses of this Present Generall Assembly Do pray Your Honour to Suppress by your Proclamation all other Ordinaries, and before any of the before Mentioned Ordinaries have Licence that they give Security according to the said Vote. U. H. Journal 1659–98 p. 388

Signed by the Clerks of both Houses

The house is Adjourned till 9 of the Clock to Morrow Morning

On Wednesday the 24th Day of February the house mett

Present the Honourable Governor the rest as yesterday

Thrice read the Acts concerning what shall be allowed to the Grand Iuries that are Summoned twice a year out of the Body of the Province to Attend Provincial Courts, and for Allowance of Publick Accounts and both Passed.

Upon Notice given to the Lower house that his Excellency was ready to break up this Present Session of Assembly, and to desire them to bring up the Laws Assented to by both houses.

The Lower house with their Speaker came into this house with all the Laws made this Assembly, the Titles whereof being read in the Presence of both houses, the Lieutenant General Signed the Laws with this Endorsement Viz^{t} The Lieutenant Generall Willeth these to be Laws

And thereupon Prorogued this Assembly to the 14th Day of February Next to come in the Year of Our Lord 1675.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a session held at St. Mary's, February 12—[illegible]

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

-ates of the Lower house of Assembly prorouged vn- L. H. Journal original p. 1
ns and Adjournm^ts from the sixth of June in the
the Right hono^ble Cæcilius &c to this p^rsent Twelveth
of his sayd Lo^pps Dominion Annoq Domini 1674

vert Gou^rno^r, The hono^ble Philip Calvert Esqr Chancelor
Brookes Esqr Surveyo^r Gen^rall, Thomas Truman -as
Tailo^r Esq^rs, his Lo^pps Councill, met as the Members
of the Lower house mett in St Maryes the name of
all w^ch followes vizt.

S^t Mary -les County—M^r Henry Adams—
M^r Ignatius Courseene
M^r John Bowles—

St Maryes County
L^t Coll
Kent County. M^r Arthure Wright
M^r William Bishop
Ann Arundel County. Cap^t W^m Burges—
M^r Cornelius Howard
M^r Robert ffranklyn
Calvert County. Majo^r Thomas Brooke
M^r Richard Hall
M^r William B
Baltemore County Cap^t George Wells
Cap^t Thomas Todd
Talbot County.—M^r Richard Woolman
Cap^t Philemon LLoyd.
M^r Joseph Weekes
M^r William Hambleton
Som^rset County. Cap^t Paul Marsh
M^r Roger Woolford
Dorchester County M^r Henry Tripp
M^r William fford
Cæcil County M^r Henry Ward &
M^r Abraham Wilde

Robert Ridgely ted Clerke of this house by the
hono^ble the L^t Gen^rall & takes his place according[ly]
Mathias Woods -keep by the house.
Dent Sent the last Journal of this house
and the body of Lawe he retornes and with
with the Journal & body of Lawes.

L. H. Journal original This house taking into ation that the Lawes made the last Sessions of this Assembly, are not Entred in of Lawes, and that this house have the Original Coppy und[r] the greate seal Province, and that it might be much p[r]judice to the Province in general they by any accident be Defaced or Casually lost—ordered that a message be his Excl[y], to desire that M[r] Secr[y] may Cause the same to be Entred upon Record in the said booke of the body of Lawes, by Munday morning next and then ma Retorned to this house in the sd booke.

p. 2 M[r] Carvile, M[r] Dent, Ca- they retorne

Ordered that the Clerke house he ord[rs] to be observed in the -l, and post them up in the house to morrow

The house morning Ten a clock.

The 13[th] M[r] Henry Adams & Cap[t] Philemon lh.

The Clerk house, and the Rules & ord[r]s to read as followeth—

S[t] Maryes Lower house y 13[th] 1674.

It is this day ordered by the eses of this Province now Assembled, that those m (zt) M[r] Thomas Notley speaker, M[r] Robert Carvile William Boarman, M[r] William Hatton M[r] Thomas Dent L[t] Coll John Jarbo, M[r] Arthure Wright, M[r] W[m] Bishop, Cap[t] William Burges, M[r] Cornelius Howard, M[r] Robert ffranklyn Majo[r] Thomas Brookes, M[r] Richard Hall, M[r] William Berry, M[r] Henry Adams, M[r] Jgnatius Courseene, M[r] John Bowlds, Cap[t] George Wells Cap[t] Thomas Todd, M[r] Richard Woolman Cap[t] Philemon LLoyd, M[r] Joseph Weekes, M[r] William Hambleton, Cap[t] Paul Marsh, M[r] Roger Woolford; M[r] Henry Tripp M[r] William fford, M[r] Henry & M[r] Abraham Wilde, or any Twelve of them (whereof M[r] Speaker to e) assembled at the time and place p[r]fixed shalbe a house of Comons or Lo house of Assembly, to all intents & purposes, and all bills, acts or o lled by the said Twenty Nine Members or any Twelve of them (whereof ker to be one as aforesaid) with the Consent and approbation of the upp nd Enacted by the L[t] Gen[r]all Gou[r]no[r] of this Province, und[r] the Right Lord Baltemore Proprietary of the same shalbe Lawes of ce after publica thereof und[r] the greate Seale of this Province -d to all intents and purposes, as if they were admitted and assented the Respective freemen of this Province in pson.

St Maryes ffebruary the Lower house of Assembly. L. H. Journal original

The Rules and ord house, to be observed by the Deputyes and Delegates and Clerke of this house, within this house.

Jt is this day ordered by the Bu Dep^tys or Delegates of this Province now assembled

d ord^rs following be observed by the Burgesses and p. 3
ssembled, and by the Clerke of this house during

First That no Bur this house shall use any Reviling Speeches or name any one by his cation, vizt the gentleman that Spoke last or the like

Secondly That no one sp- bill without lycense of the Speaker, and if two ꝑsons or more Rise u- who shall speake first and no one may interupt another

Thirdly That to any bill, but shall stand up Reverently du-

Fourthly: That seu^rall dayes before it be Engrosed, and that betwixt Every esse upon very urgent occasion, M^r Speaker shall Dispense read twice at one sitting shalbe sufficient as read two seu^rall ed in the Clerkes Journal.

Fifthly. No one sha- -embly, whilst the house is sitting, with sword or other weapon but shall put of the Dorekeep or other ꝑson apointed thereto upon penalty of a fine as the Speaker Deputyes and Delegates shall thinke fit.

Sixthly Any of the Nine and Twenty Members bound to attend this Assembly, who shalbe absent from the house at the houre and place apointed, shalbe fined after the number of Twelve of them are assembled, according to the ord^rs for setling the house, according to the Discretion of the house unlesse upon lawfull Excuse, and admitted by the Speaker.

Seaventhly All misdemeano^rs w^ch shall happen within this house, shalbe Censured and fined in the house.

Eighthly. When any bill is p^rsented to the , and no one makes objection thereto, M^r Speaker shall apointe any one Member to speak the said bill, and Deliver his opinion first, and so in ord^r as M^r Speaker shall thinke fit and -ent.

Ninthly. That during this Assembly whatsoever, Either Dep^uty Burges Delegate or Clerke shall utter any words, or make of any words Spoken in the house to any bill or otherwayes upon Debate or Conference alty of such fine, as the house shall thinke fit and impose

Tenthly. That no ering or priva ication, shalbe by any Two or more Members Concerning -ate of any house or whilst the house is sitting.

L. H. Journal original

Upon Reading the fo for setling the house, and the Rules & ord[r]s to be observed in this house -se approved thereof, and ordered the Clerke to signe them, affix th this house to the publique view of all the Deputyes and Delegates, w[ch] done accordingly.

This house Adjourned whilst Munday morning nine a Clock.

p. 4

The 15[th] of ff-

Cap[t] Loyd and M[r] Hatt

M[r] Secry sent in the body of Lawes.

M[r] Speaker ppose -s the maine thing that this Assembly was call house to considder what is necessary to be done

Cap[t] Wells & uty, Major[r] Brookes of Calvert County a -lly informed the house of the mis their Respective

M[r] Speaker ouching the Sussequehannough ges done to the Jnhabitants of this Province, and sd Jndians at p[r]sent and p[r]vent the like for the future

Voted that a Comittee be apo- Remedy this mischeif, and make a Report to the house erein.

M[r] Speaker appointes, Major[r] Brookes M[r] Dent Cap[t] Boarman Cap[t] Wells M[r] Ward Cap[t] Todd Cap[t] Burges M[r] Woolman M[r] Hall & M[r] Wright to be a Comittee for that purpose.

John LLewellin apointed Clerke to the said Comittee.

The said Comittee goe upon their Charge.

The house Adjourned whilst two of the Clock in the afternoone

15° ffeb: afternoone.

House met absent as be- d the Comittee

Came Cap[t] Burges from the Com- with this pap: vizt

The Comittee move the house the L[t] Gen[r]all that in case of any occasion of raysing a warre Indians he be pleased to informe them what quantity of armes and amu- in p[r]sent re such an Expedition.

Signed by of the Comittee

John Llewellin Clerke.

The house vote it nec send a message to his Exclly to informe this house thereof, that so this may give answere to the Comittee accordingly.

Cap[t] Weekes & sent with the sd message they retorne.

Voted that his Exclly be signify to this house, L. H. Journal original
whether he hath received any answere from the Lord Propry,
to the peticion of the Assembly to his Lop the last Sessions,
and if he hath recd any, acquainte this house what
the same is.

Mr Courseene.

it with the sd message to the Lt Genrall p. 5
were that he hath recd nothing from the Lord- same.
unty Joiners, peticions this house for pay for
es agoe.
have payed him out of the publique 400l Tob:
from the upp house vizt.
y 1674.
and Amunicon his Exclly doth assure the Readi-
nes for 200 men, and amnition.
Signed by ordr of the house.
Ri: Boughton Clke:
pap to the Comittee.
-acon of his Lopps graunts, notwithstanding any omis-
sions of Record, b t upon the last Journal, and referred
to the Consideracon of this prsent Session of Assembly, being
Read.
Voted by this house that the said act be sent to the upp
house, and that they be requested to puse the said act, and
Retorne their opinion thereof to this house.
Mr Carvile & Mr Weekes Sent with the sd message they
retorne.
Joseph Edloe of Calvert County peticions this house for pay
for his time for Carryeing seurall Lres from the Lt Genrall, to
the officers of the malitia,
The house ha Considered thereof, allowed the sd
Edloe 250l Tob out of the que.
The Act for acon of Attornyes ffees being read, put
to the vote whether the said Act ved or amended.
Voted that amended, but that no alteration be made
as to the Attornyes of the Cort, but that the Attornyes
at the County Corts have l Tob for

The rnes whilst to morrow morning 9 a clock.

16o ffeb 1674. house met a before. & the Comittee.

Mr Hamilton sent to ttee to Know if they have
prpared any busines for this houses c tion. he retornes &
with him

The Comittee, who prsent to the house this pap.

L. H. Journal original

Comittee Lower house ffeb: 16th 1674.

Jn pursuance to a of the Lower house of the 15th ffebruary the Comittee

p. 6 thinke convenient to ꝓpose Gouꝛnoꝛ of New yorke, who Concerning a treaty with -ore the Jnhabitants of this Pro in Re to the Managing a warre u it be totally left in the brest of his Excłły. for Carryeing on of such warre at his Excłły shall thin doe propose, that 15l Tob ꝓ poll be leavyed to his Excłłys hands to be Expended and layd discretion of his Excłły. -ttee

The sd Report d And put to the vote lected the next yeare and to be Deposited in his Excłłys the Charge of the warre with the Jndians if Assembly can be called to supply further.

Voted by the Majoꝛ tht suffic Ordered that a message be sent to the upꝑ house with the vote of this house in Reference to the Jndian busines, and that they would please to Considder thereof and Retorne their opinions to this house.

Majoꝛ Brookes Capt Burges Capt Wells & Mꝛ Dent sent with the sd message they retorne.

The peticion of John Coman condemned the last Coꝛt for witchcraft, humbly desires this house to interce with his Excłły on the behalfe of the sd petꝛ

Voted Nemine contradicente, th house peticion his Excłły accordingly and ordered that Mꝛ Howard Woolford Draw a peticion for that purpose & pꝛsent it to this house their Consideracōn.

put to the vote whether Convicts shalbe imported into this Province for the future ye

Voted they ought not arred.

The house whilst to morrow morning 10 a clock.

17° ffeb:

house met abs before.

Came Mꝛ Taloꝛ from upꝑ house with a message in writing (vizt). it being Endorsed on the e of the peticion of Elizabeth Warner.

15th ffeb upꝑ house

This house desires that the Lower house will take into their Consideracōn the Jnconveniences and mischeifs that have hapned to this petꝛ for want of a Law in this Province, to Releive ꝑsons, and that the Lower house will pꝛpare

the Cheif Judge for ꝓbate of wills & Testaments upon good security given by such ꝓson who sweare. L. H. Journal original p. 7

Signed by ordr of the house.
Ri: Boughton Clerke

The opinion whether a Law be Drawnen up
eticion.
-essary and that the Comittee Draw up a being Read, drawen by the Comittee, and that theirein such debts, as are due to the ꝓsons agt whome or otherwise upon subpœna to testefy before the Court -udant that so they may be leavyed upon the sd attachmt of Court be a sufficient barre, against the said partyes bill bond or spetialty though not Delivered up, and also against the party agt whome the attachmt is, of any further Claime against them, and in case any ꝓson suitor to any Cort shall sumon any ꝓson to Declare, whether he oweth the sd ꝓson against whome the attachmt is, any Tob: or not, and it shall appeare that he owed him nothing, and that he is Causelesly summoned then the ꝓty that sum̄oned him to pay his Costs.

Mr Howard Mr Woolford pr̃sent to this house a peticion by them Dra the behalfe of John Coman to his Exclly wch being was approved on and signed by the Clerke of this house & Sent to the ral by Capt Burges, Capt Wells, Mr Howard and Mr Course retorne.

An Act ꝓviding lbe good Evidence to prove forreigne debts being , voted t re Drawne, only leaving out the last Clause for yeares, for b

An Act apointing ke bayle, being read, voted that it be Renewed, with an am no Decleration be sent out with the writ but that the sume of the de be set forth in the body of the writ, whether it be in an accō̃ of the c t or otherwayes that so the sheriff may Know how to provide bayle accordingly.

Mr Chew from the upp house with a message in writing (vizt)

Upp house of Assembly. ffeb 17th 1674.

This house desire informed by the Lower house, what they Conceive it fit to done with the suffe Patuxent River. p. 8

Voted that it be left to the that affayre with the suff

Mr Dent & Mr Ha they Retorne

A proposal Whether it be not sidder that a Law be provided for arm nty for their defence or at

L. H. Journal original leastewise at p^rsent is most in Danger?

put to the Voted Necessary. and rmes with sufficient amunition in Each County and ed Concurre with this house in their vote, and th the sd armes and amunition be such as his Ex thinke fit to appointe.

Majo^r Brookes Cap^t Burges, Cap^t Boarman & Cap^t Wells Sent with the said message they retorne.

Came the hono^ble the Chancelo^r and Secr^y & M^r Taylo^r from the upp house with three paps, the first as to the vote of 25^l Tob p poll, his Exclly doth not thinke it necessary to be tyed up to any certeine sume, because of the uncerteinty of the Charge if a rue fall out; and the 2^d & 3^d pap were the two last messages sent upp house from this house to w^ch the Gou^rno^r thinkes fit to give no an untill the first be ascerteined.

Came M^r Truman from the house with An Act for making good a lease to M^r Thomas for use of John Long for a debt due from Walter Story dece sd Act was read thrice & assented to.

he also brought ouses pe behalfe of John Coman w^ch with sed followeth in these words. (vizt)

To the hono^ble vert Esqr L^t Gen^rall and Cheif Judge of the Provincial Court the Right hono^ble the Lord Propr^y.

The humble on of the Deputyes and Delegates of the Lower house of Assembly

Humbly Sheweth to yo^r Excellency that whereas John Coman being araigned Convicted and Condemned upon
p. 9 tute of the first of King James of England Conjuracon Sorcery or Jnchantm^t used upon ale, and now lyeing und^r that Condemnation beseeched us (yo^r hono^rs pet^rs) to mediate & in yo^r Exclly, for a Repreive and stay of Exe therefore accordingly in all humble manner bese and Severrity of the Law, to w^ch the said ably Exposed himself, may be Remitted and encyes mercy and Clemency upon so pet^rs shall as in deauty bound pray.

by ord^r of the house.

Robert Ridgely Clerke of the Lower house of Assembly.

Endorsed thus (vizt)

Upp house of Assembly 17^th ffebr 1674.

The L^t General hath Considered of this peticion, and is willing upon the Request of the Lower house that the Condemned mallefacto^r be Repreived and Execution stayed, Provided that the Sheriff of St Maryes County carry him to the

gallowes and that the Rope being about his Neck it be their made Knowne to him h uch he is beholding to the Lower house of Assembly for mediating terceding in his behalfe with the L[t] Gen[r]all, and that he Remaine Citty of St Maryes to be Employed in such service as the Gou[r]no[r] and shall thinke fit, during the pleasure of the Gou[r]no[r]. L. H. Journal original

Signed by ord[r] house.

Ri: Boughton Clerke

Put to the vote whether be not convenient that an Act be Drawen up to Empower Gen[r]all for one yeare to lay a publique Leavy upon the Jnhabitants of this Province, for the defraying the Charge of the Jndian warre; sion be Voted necessary for one yeare, and that the Concurrence of the upp house be desired with this house in the sd vote.

The Adjourned whilst three a clock afternoone.

ffeb 17[th]: afternoone p. 10

The house mett at

M[r] Speaker apointed Cap[t] Boarman Cap[t] Wells M[r] Ward Cap lman M[r] Hall & M[r] Wright to be a Comi- inspecting the lawes and to make such thinke Convenient and that they h was Delivered them.

They go

The house nine a clock

18° ffeb: 1674:

The house ittee.

A Request of the Bur Countyes to this house desiring longer time for the & prisons in Each of the sd Countyes, by Jndians and hardnes of the winter.

Voted that whereas seu[r]all of the Countyes have not finished their Courthowses & prisons that they have a yeares time more given them and that the Comittee draw up a Law for that purpose.

M[r] Wilde and M[r] Carvile sent with the sd vote to the comittee they retorne.

M[r] Wells from the Comittee with a bill Entituled.

An Act for Releife of s psons who in Conscience are not free to sweare in case of Admcōns

The said bill Read, and that the same be amended.

Came M[r] Dent from the Co with a bill Entituled.

An Act for Regulacōn rnyes ffees. Read & passed.

Sent to the upp house by

A Member of this h that the C of the County

L. H. Journal original Co^rts may have but the moy the Clerke of the Provincial Co^rt hath in any accõn

Voted necessary that the Comittee inspect the Lawes for Clerkes ffees, and Regulate and Draw up an act according to this vote.

The debate on Act for Admcõns without oath reassumed and voted that this house send a message to the upp house to desire the L^t Gen^rall to acquainte this house if he hath received any Jnstrucõns from the

p. 11 the Dispensations with oathes of psons that ke, aswell upon Admcõns as all other ch Jnstruccons then this house humbly d

ned whilst two of the Clock in the afternoone.

18° ffeb.

the Comittee.

& M^r Hambleton sent to the upp nsent to them, and also to Retorne n^rall in the name of the whole ho the Execution of John Coman.

from the Comittee with a bill Entituled.

at shalbe good Evidence to prove forreigne debts

Read passed,

Sent to the upp house by M^r Carvile to desire their Concurrence herein.

Came the hono^ble the Chancelo^r M^r Chew and M^r Taylo^r from the upp house with a pap vizt.

Upp house: ffeb: 18^th

This house desires to be satisfyed by the Lower house, whether it be the sense of that house that the Gou^rno^r and Councill shalbe Empowred to leavy the Charge of the Jndi arre, for one whole yeare, or only till the time of laying the pu Leavy next yeare.

Signed by ord^r Ri: Boughton Clerke.

Put to the vote

Voted that it is of this house for one whole yeare from the ffebru

M^r Carvile M^r M^r Hamilton & M^r ffranklyn sent to the upp house with they retorne.

Came M^r Chew from upp house with the message of this house about the Law for Adcõ hout. oath. acquaintes this house that the Gou^rno^r hath received no instruccõns from the Lord Proprietary in relation thereunto.

M^r Carvile sent to the upp house to Desire to Know if they will Concurre with se, in such a Law for dispensing with

oathes for
conscience sake. he
Came the Survey Regulacōn of Attorny
also that the up be Drawne for a Dispensation with
oa in nothing else upon w^ch the house vote up be
amended by the Comittee.
Came Cap^t B Entituled An Act limiting that
shalbe leavyed upon
Sent to the upp ffranklyn.
Came the Surveyo^r Gen^ra with the Act providing what
shalbe good Evidence and brings word the upp house,
are willing to the addicon.

L. H. Journal original p. 12

Upp house of Assembly 6

This house is of opinion that a bond &^c pved before the Majo^r of any Towne Corporate, and Certefyed und^r the Comōn Seale of the Corporacōn, with oath made that no paym^t hath beene made &^c ought to be admitted in this Province, aswell as a bond &^c proved before a Notary publique and that such words ought to be added to the act providing what shalbe good Evidence to prove forreigne debts.

Signed by ord^r of the house
Ri: Boughton Clerke.

M^r Carvile sent with the to the upp house to Know where they would have those certed. retornes.
Came M^r Chew from ouse w^th (vizt)
The upp house desi house would w up a Law to Empower the Gou^rno^r and Co avy the Charge of an Jndian warre for one whole yeare the 14^th ffebruary instant.
Ordered that Comittee draw up a Law for that purpose.
M^r Chew also broug peticion from Thomas Hawkins of Kent desiring Releife for a losse susteined by the Jndians to the vallue of 10^l Sterl and 16000^l Tob. Endorsed

Upp house
18^th of ffeb: 1674. p. 13
Resolved that this house doe Joine in any house, shall thinke fit to be Extended to the
Signed by ord^r
Ri: Boughton: Clerke.

P e pet^r should, be allowed any thing or not?

ilst to morrow morning 9 a clock.

L. H. Journal original ffeb.

before and the Comittee.

Capt Boarman as a messenger to this house to Know the sussequehannoughs a place at the head of Patomeke a dayes Jou ve the falls, or to remaine where they are or Else where.

The Act for Regulating Clerkes ffees read and passed.

Comittee came in and the Jndian busines debated.

Voted this house thinke it Convenient that the Gour^nor apointe the said Jndians a place a day two or three dayes Journey above the falls of Patomeke, to Remaine theire During his pleasure.

The votes of the two howses in October 1671 touching officers pay being drawen ou the Journal to be sent to the upp house in the afternoone, ember of this house, to Know if the upp house are of the same they were then, if so that it may be incerted in the Law to Empo Gour^nor and Council to lay the Leavy one yeare to Defray the Charge e warre.

An Act for such psons who in Conscience are not free to sweare in cases of , nd Adm^rs Read, and passed.

M^r Chew from house with a pap (vizt)

Upp house of Assembly 18th day of ffebruary.

Some of the greate me the sussequehannoughs were this day admitted into this house, and being asked their busines they desired to Know what parte of the Province should for the future be allotted for them to Occ but before this
p. 14 house will retorne them an answere answere it is thought fit advice and opinions

for a

Clke

Voted that the Gour^nor lls of Patome to the former vote

Came M^r Taylor f formes this ho the sussequehanno this year the other Jndian nce with a and the next ye ovince.

Jt is the opin that should the Sussequehannough ongest the Respective freind Jndian Nation it may quence to the Province in gen^rall.

First. That their living amongest them ould them so to their owne future Designes, that it will inevitably pve p^rjudicial to the Province in gen^rall.

Secondly. This house hath reason to suspect that the designe of the Sussequehannoughs in coming amongest the English and Claming the pteccon from them may be out of

designe purposely to Discover the strength of the Province and the advantages that the for the future take should they be Evilly inclined which wilb very dangerous Consequence should they be admitted to Remaine th e amongest the Neighbour Jndian Nations. L. H. Journal original

Thirdly Wee have reason furthe t that the Sussequehannoughs & Seneco's have private ence togeth ithstanding the Seeming warre bet w^ch^ may be dangerous consequence to the should they be ꝑmitted amongest the Neighbo^r^ Jndian

Fourthly. Jf they are absol Enemyes to the Seneca's, our Enterteining them will so Exasperate Seneca's that should a warre this Ensueing yeare happen betweene the Seneca's and them the whole province in gen^r^all must of necessi is of opinion that it wilbe more safe that the p. 15 above the falls of Patomeke, their being yd hould on) to Cleare ground Enough to p the only thing they seeme to desire to live a us for.

man Sent with the sd message they retorne Surveyo^r^ Gen^r^all M^r^ Chew and M^r^ Taillo^r^. sage by word of mouth (vizt) That if ed to the falls of Patomeke, their being their. nothing but force will drive th ca's will Certeinly be here this Summer ny wee shalby this meanes Create two, and if this ion then to Signify so much to the upp house wh ing to doe but to provide Armes Ammunition and Provision, and imediately to beginne the warre.

M^r^ Courseene Sent for the Comittee, he returnes and w^th^ him the Comittee.

Jt was ꝑposed to the house whether if the sussequehannoughs should Refuse to Remove where the Gou^r^no^r^ is pleased to apointe them they shalbe forced by warre to Remove or not.

Voted that th shall goe when and where the Gou^r^no^r^ pleases to apointe them they shalbe forced.

M^r^ Car M^r^ Dent Cap^t^ Weekes Cap^t^ Boarman Cap^t^ Wells & Cap^t^ it w^th^ the sd vote to the upp house. they retorne.

The Comittee pa bills to this house Entituled

An Act for of Longer time to the Countyes for Erecting Court howses and p Read and passed.

An Act apointing to take bayle. read and passed.

Clement Hi Sher St Maryes County craves allowance out of the publique of ll Sum̃es of Tobacco by him Expended on prisoners Criminals a disburst upon other occasions as by his account appeares. The house taking

L. H. Journal original
the same into their Consideration ordered that llowed 3940ˡᵇ Tob: out of the publique.

The Adjourned whilst to morrow morning 9 a clock

p. 16
The 20th of Febru

The house met absen

Majorʳ Brookes Capᵗ B ouse with Hawkins petici act for Regulacōn of Clerkes ffees, the Act for thowses & prisons and the Act apointing she ne

Mʳ Chew came from Know if this house have Drawen up the La Assembly might be done on Mund

Majorʳ Brook sire them to acquainte this h them from this house on the 15th ins

An Act for Confirmacōn notwithstanding any omissions of Record.

The Lᵗ Genʳall Retornes a in his power to give an answere to that bill whilst from his father the Lord Propry.

Mʳ Truman from the upp house with the votes for Officers pay. assented to by the upp house.

Mʳ Speaker apointed Mʳ Carvile Mʳ Dent, Mʳ Ward Capᵗ Wells Majorʳ Brookes and Capᵗ Burges to be a Comittee to Draw up the law for Empowring the Gouʳnoʳ and Councell to lay the publique leavy for next yeare.

They goe upon Charge.

Lᵗ Collᵗ Jarbo & Capᵗ Boarm t to the upp house to Know if the 50000ˡᵇ Tob Raysed last yeare b nke still or not, or whether any pt of it be Expended or not.

They Retorne and b ere the Lᵗ Genʳall hath it all in banke, ready for the se Country.

Mʳ Weekes sent t house to acquain Lᵗ Genʳall that at pʳsent they have them he retornes.

Came the ho ancelorʳ from the upp house with the Act for allowance of time to the Countyes for Erecting Courthowses and prisons. wᶜʰ is hed in the upp house.

Act for Regulating Attornyes ffees Read the second time and passed to Jngrosemᵗ

Mʳ Secry from the upp h ith the Act for Regulating County

p. 17
written thus.

the Act of Assembly ascerteining the Clerkes ffees

r the Clerkes in setting their ffees, and that th me is Judged needlesse, and further this house doth ready as little allowed the Clerkes, as can of the Clerkes shall

Exact ffees and Charge lt made they are to be indicted but the lready Established for Clerkes ffees is L. H. Journal original
Signed by ordr of the house
Ri. Boughton Clerke

of pp house with the Act apointing sheriffs to take bayle
En (vizt)

Upp house ffeb: 20th

It is the opinion of this house that it is necessary that the Decl be sent out with the writs upon all accōns depending in the Provincial Corr, and that the partyes come to tryal the first Cort, if the Court Judge fit, but this house Conceives, that the Sending of the Declerations with the writs upon accōns in the County Corts may be omitted.
Signed by ordr of the house
Ri. Boughton Clerke:

Mended accord y and after amendmt read the Second time & passed.
Came Mr from the upp house wth a pap (vizt)

Upper ffeb 20th

the desire to breake up this prsent Session on Munday next, in ordr where to be informed by the Lower house whether the psent busines lyeing m is like to be dispatched by that time.
ned by ordr Ri: Boughton Clerke

Capt Weekes and Mr W ent to the upp house to acquainte them that this house will Dispatch their busines as fast as they can and when they draw neare to a Conclusion they will acquainte the Lt Genrall.
Mr Taylor f upp house wth the Act for sheriffs to take bayle. Read pas Jngrosemt p. 18
Mr Weekes sent to the upp
to such bills as ly
Came the honoble the bills Entituled
An Act pviding what sh orreigne
An Act Limiting the
An Act for Admcōns
the Chancelor acqu upp house is of opinion that without th a fortnig . longer, they thin ration of three bills to
This house their message sent by the Chancelo
Came Mr Taylor from th per vizt.

L. H. Journal original

Upp house ffeb

Voted by this house that the J Requested to take good security of the Ordinary Keeps at St Maryes for the Provision of stable Roome for Twenty horses by Michelmas next, and Provision of sufficient horsemeate so long as the said horses shall remaine here, and for ꝓvision of Twelve feather bedds, by the 12th of December next and also to take the like Security of the Ordinary Keeps in the Seuᵉall Countyes where the Courts are Kept, and that the Lower house be desired to Concurre herein.

Signed by ordᵉ Ri: Boughton Clerke

This house concurre with the ouse in the sd vote nemine contradicente and doe Joine with the upp petitioning the Lᵗ Genᵉall for the Same. Provided their m ordinaryes in an er place but where the Courts are Kept.

The h ourned whilst two a Clock in the afternoone.

20° ffeb: afternoone

house met t as before and the Comittee.

The Comittee come and bring in Several bills (vizt)

An Act Empowring the Gouᵉnoᵉ and Councill for making peace or warre wᵗʰ the Jndians Read & passed

Read the second time ssed. & the third time & passed

An Act

p. 19 Attornyes ffees. Engrosed,

ed by the Clerke.

take bayle, Read and Quashed.

ould act be not Revived.

Mᵉ ᵗ Capᵗ Burges Mᵉ Berry Mᵉ fford Majoᵉ B to be a Comittee for inspection of the Lawes

Revived, and also to lay the publique that purpose.

ilst Munday morning 11 a clock.

ffeb: 22

as before.

A p by a member in writing

That since o the Gouᵉnoᵉ hath beene gratiously pleased for the more Speedy dispatch of the publique affayres, and to Keepe a nearer corespondence with the Members of the two howses to Remove himself and family to Sᵗ Johns where his house hath beene open and free to all ꝓsons, whether wee ought not to gratefy him with a supply in the next leavy towards defraying those his honoᵉˢ greate Charges and Expences.

put to the , whether the house thinke fit to allow the Gouᵉnoᵉ any thing or such his Charge.

Voted ary. L. H. Journal original
put to the much?
Voted by the t that his Exclly be prsented with by this
with Th sand pounds of Tobacco, to be payd him
the Ensueing Cropp
Mr Robert Carvile ookes Coll Iarbo Capt Boarman Mr
ffranklyn Capt ent with the sd vote, and the Act for Empowring the Gournor Councill for peace or warre &c & the Act for Regulacon of At es ffees.
Capt John Quigley the undertaker for the building the State-house & prison petician house for his pay next cropp, if the house
be neare finished when the L p. 20
The house vote nemi untill the buildings by
Capt William Cole nty peticions this house for allowance for Se by him to seurall psons for Carryeing Letters
Ordered that the C same into their Consideracon and allow thereo
A member of house have passed the bill f
Adcons &c
whether that a such Tender Conscienced pson hav
not free to sweare Then that the Judge in Tes hall graunt Admcon upon good security given to such pson
ps Right to Adcon shall nominate.
Voted Necessary.
Mr Carvile sent to the upp house to Know if they will Concurre with this house in the sd vote.
Came Mr Taylor from the upp house with the vote of this house for 30000t Tob to be prsented to the Gournor subscribed thus.

Upp house ffebruary the 22th.

This house Concurrs with the Lower house in this vote.
Ri: Boughton Clerke.

The sd vote sent to the Comittee Hall
Came Mr Chew from the with a pap (vizt)

Upp house f

The upp house concurre er house ast vote for
Releife of Tender Con Nemine Contr nte.
Signed by ordr Ri: Boughton Clerke.

Mr Carvile sent with vote to Comittee, to ordr them to draw up a Law accordingly
Came the honoble Chancelor from the upp house with the vote of this house for armes in Each County. not assented to in the upp house

L. H. Journal original p. 21

Capt Wells and Mr Ward sent to the Gour̄nor to Know of his honor if he
the upp Countyes with amunition.
swere the Gour̄nor is willing if he hath any
A s house that their may be special Courts a
Relating to Masters of shipps and Marchants ly to Dept
this Province, and that the Secry̆ & ble ffees, and that
the Expences of the Judges the pty that is caste, and
that the Jurors e for their attendance, of what they
the Gour̄nor apointe from time to time such Jn thinke fit
by his Comission, and also to be places as the Gour̄nor
shall thinke fit.
and that the Concurrence of the upp house be desired
with this the sd vote, and that a law be Drawne up for
that purpose.
Mr Carvile & Mr Weekes sent to the upp house with the sd
vote. they retorne.

The house adjourned whilst two of the Clock in the afternoone.

22th ffebruary 1674. afternoone.

house called absent as before and the Comittee.

The Act for the alization of Jacob Duhattoway
Anthony Brispoe and Peter A , Read three times and
signed by the Clerke.
Came Mr from the upp house acquaintes this house
they are willing to Concurre his house in their last two
votes relating to Conscien d al Cotts
Ordered that Mr the Clerke of this house draw up the
Law for Special Courts and prs s house to morrow
morning.
Mr Carv and Mr W - sent to the upp house to show
this howses reasons why the first Act for Relei ender
Consciences in Relacōn to Admcōns should passe they
retorne
Came Mr Truman from the upp house acquaintes this house
that in Relation to Tender Consciences this house have already
the upp houses final answere
p. 22 whereupon the said votes this house, & Mr Ha
they need not Draw any Law to th
Mr Carvile Sent swere to this howses Vote touching
Ordin
He retornes and Concurrs with this house in the sd
vote.
Ordered that a in to call in all lycenses Except
ing to the votes of both howses es may take Care to
suppresse a

The Act for Regulacon
And the Act to Empower Councell to lay the leavy L. H. Journal original
&c Sent to the upp house by Mr ature of their Clerke.
Surv[r] Gen[r]all with the sd Two acts signed by their Clerke.

The house Adjourned whilst to morrow morning 9 a clock.

23° ffeb: 1674.

The house met absent as before and the Comittee.

Voted that the Comittee draw up a Law for the Countyes to leavy 400[t] Tob a peice Every yeare to be payd to the Ordinary man at St Maryes that Enterteines the grand Ju , according to a vote of both howses last Sessions, so that the grand if they spend more may pay it out of their owne Pockets

The Act for Reviving of Read twice & passed.
Sent by Mr Carvile ffranklyn to th house they retorne
Capt Boarman sent t upp se to desi o send their answere to this house touch ary Keeps.
he s
Came Mr T om the upp house, wth (vizt)

Upp h ffebrua e 23th 1674.

This house having red the message from the Lower house sent to the L[t] General the instant Requesting him to call in all lyc for Ordinaryes Except such as are Kept at the places where are Kept, are of opinion
ir are other places of this Pr absolutely necessary as at p. 23
Co[rts] (vizt) where s doe Ride, and in Reguard the Delegates for w p[r]sent, who Know the Necessityes of the ces for Ordinaryes, doe desire them to name Ordinarye's are necessary, that this house the L[t] Gen[r]all to supp[r]sse all other

Signed by ord[r] of the house.
Ri: Boughton Clerke

of the upp house this house are of Courts are Kept, their is one Ordinary at Mr Richard Hills, and two in Patuxent (Vizt) ard Keene & Mr George Beckwiths,) and one in Dorchester wading place betweene Kent & Talbot Countyes and mo hole Province, and this house doe Request the upp house to Joine with them to peticion the L[t] Gen[r]all to supp[r]sse all other Ordinaryes, whatsoever.

Mr Chew from the upp house with a pap (vizt)

L. H. Journal original

Upp house The 23th of ffeb:

This house desires to be informed by the Lower house upon what grounds or reasons, the acts for Encouragemt of planting Hemp and fflax and for sheriffs taking b are left out of the Act for Reviving Certeine lawes

Signed by ordr of the house

Ri: Boughton Clerke.

on Reading the message from the upp house house g the same into their Consideracōn finde no for their Revi therefore have omitted them in the sd Act for Revivall of Mr Car Capt B n Mr Trip & Mr Ward Sent with the two last messages t etorne.

Came Mr Truman from upp house to desire this house to ascerteine they desire the Ordinary to be Kept in Dorchester County Peter Underwoods house in the sd County.

p. 24 An Act for the Encourage

Came the Surveyor underwrit (vizt)

The upp house Co Joine with them in p

ton Clerke

Mr Secry from the up lawes, this house Delivered him the J

An Act for the & passed

Sent to they retorne

The peticion Mr Carvile & Capt Boarman. they retou

The house adjourned the clock in the afternoone.

23th ffeb: afternoone

The house mett absent as before

The Comittee prsent to this house the Act for the publique Charge wch being Read voted to be amended.

Mr Speaker apointed Mr Carvile, Mr fford Mr Hambleton Mr Hall Mr Ward and Mr Wright a Comittee to amend the sd Law.

They goe upon their charge.

Put to the vote if it be necessary for Every Member to beare his own Charges yea, or no.

Voted in the Negative.

Voted Nemine Contradicente th Clerkes of the upp & lower howses have Three Thowsand po Tobacco ap

Came a peticion J arles Delaroch craves allow- L. H. Journal original
ance for Disbursem[t] & Charg ers the Comittee ꝑuse
the same and m what it
Came the hono[ble] celo[r] from the upp h with the
Act for reviving eine La assented to by the upp
house.
and also brought back the peticion of this house touching
Ordinaries w[ch] followeth in These words
To the hono[ble] the The peticion of the upp

Acts made att a Generall Assembly held att the Liber W H & L
Citty of S[t] Maries the 12[th] day of ffebruary in the p. 92
three and fortieth yeare of the Dominion of Cæcilius
&c[a] Annoq Domini 1674

The Hon[ble] Charles Calvert Gouernour—

To the Right Hon[ble] the Lord Proprietary in his
two houses of Generall Assembly—
The humble Peticō̃n of John Long of the Citty of London
Marchant

Humbly Sheweth—

That your Peticō̃ner in the year of our Lord 1672 obteined a decree in your Lordships high Court of Chancery against Henry Bonner & Elizabeth his wife the Relict & Administratrix of one Walter Story deceased for two hundred forty Eight pounds eight shillings and seven pence Lawfull money of England they the said Henry & Elizabeth in Consideracō̃n of Eleven thousand two hundred pounds of Tobacco in hand paid them by Thomas Notley gentleman Attorney of your Peticō̃ner by way of discount for and towards part of payment of the said Sum̃e of two hundred forty Eight pounds Eight shillings and seven pence did by Indenture of lease duely Executed vnder their hands and Seales bearing date the Thirtieth day of January in the yeare of our Lord one thousand six hundred seventy two demise grant Sett & to farme Lett vnto the said Thomas Notley as Attorney of and in trust for your peticō̃ner all that tract or parcell of Land Called by the name of Walter Storyes land p. 93
lyeing in Charles County in Potomack River Conteyning by Estimacō̃n one hundred seventy five Acres then in the possession of the said Henry Bonner & Elizabeth his wife To hold the same to him the said Thomas Notley his Executors administrators or assignes in trust as aforesaid for and dureing the full end & tearme of fourteene yeares from thence next ensueing fully to be Compleat & ended as by the said Indenture

Liber W H & L

may more att large appear And Your Peticōners further sheweth that the said Walter Story deceased left Issue Walter Story an Infant who att the time of makeing of the said lease about the age of seven yeares and then under the guardianship of the said Henry & Elizabeth and will not arrive to his full age of one and twenty yeares vntill such time as the said Lease be Expired But being now almost arrived to the age as he may be Capable to Choose his own Guardian he threatneth to make Choice of another Guardian and as Heire to his father to Call in question the said Lease & damm the same now forasmuch as the said lease was made towards part of Satisfaccōn of the said debt which was the propper debt of the said Walter Story deceased and for to redeem the bodyes of the said Henry & Elizabeth out of Prison and was but to Continue dureing the Nonage of the said Walter Story the younger Your Peticōner humbly prayes the same may be by an act of this present Generall Assembly ratifyed and Confirmed to him the said Thomas Notley his Executors administrators or assignes (in trust as aforesaid) dureing the Continuance of the said Terme, And Bee itt therefore Enacted by the Right Hon^ble^ the Lord Proprietary by and with the advice and Consent of the upper and lower houses of this present Generall Assembly and the Authority thereof that the said Lease be Ratifyed & Confirmed to all intents and purposes according to the Tennor & true meaning thereof And that the said Thomas Notley his Executors administrators or assignes shall and may quiettly & peaceably haue hold occupy and possesse & Injoy the said land and premisses dureing the Continuance of the Residue of the said Terme of fourteen Yeares Yett to come & Vnexpired against the said Walter Story the Younger or his heires or any Claiming by form or vnder him them or any of them

To the Right Hon^ble^ the Lord Prop^ry^ in his two houses of Assembly—

The humble Peticōn of Jacob Duhattoway Anthony Brispoe & Peter Achillis all Resident & Inhabitting within this Prouince

Humbly Sheweth

Vnto your Lordshipp That your Peticōners Jacob Duhattoway was borne att Dort in Holland under the Dominion of the States Generall of the Vnited Provinces Peter Achillis was borne att Amsterdam in Holland under the said Dominion Anthony Brispoe was born vnder the Dominion of the King of Spaine And your Peticōners being now Removed to this Prouince

haue for divers yeares therein Inhabitted being Invited to come and dwell in this Prouince by & uppon Confidence of your Lordshipps Declaracōn of the Second of July one Thousand Six hundred forty Nyne Whereby you did Impower Your Gouernour from time to time to grant lands vnto any persons of french Dutch Spanish Swedish or other forreigne descent in the Same and in as ample manner and vppon the same Tearmes and Provisoes as he was thereby Impowred to grant land to any person or persons of Brittish or Irish descent and dureing their said abode they haue been allwayes faithfull & obedient to your Lordships Laws Yett for that your Peticōners are not of Brittish or Irish descent they Cannot take benefitt of the Lawes & Customes of this Prouince as other the said people of this Prouince of Brittish or Irish descent may to their great losse prejudice & Hinderance as alsoe to the deterring of divers others of the said forreigne Nacōns aforesaid from Coming into this Prouince and by Consequence foreslowing the peopling of this Prouince with vsefull Artificers and handiecraftsmen, May itt therefore please your Lordship of your abundant goodnesse and wonted Care of and over this Prouince that itt may be Enacted & ordeined by your Lordshipp And Bee itt Enacted and ordeined by the Right Hon^{ble} the Lord Proprietary of this Province by and with the advice of the upper & Lower houses of this present Generall Assembly That your Lordshipps humble Peticōners Jacob Duhattoway Anthony Brispoe & Peter Achillis they & every of them shall from henceforth be Adjudged Reputed & taken as natureall borne people of this Prouince of Maryland and alsoe that they & every of them shall and may from henceforth by the same Authority be enabled and adjudged to all intents and purposes able to demand Challenge aske haue hold & enjoy any lands Tenements Rents and Hereditaments within this Prouince as Heir or heires to any of their Ancestors by reason of any descent in fee simple fee tayle Generall or Speciall or Remainder vppon any Estate Tayle as aforesaid or by any other Lawfull Conveyance or Conveyances or meanes whatsoever as if they and every of them had been borne within this Prouince or were of Brittish or Irish descent aforesaid and alsoe that they and every of them from henceforth may and shall be enabled to prosecute maintain & avow Justifie and defend all manner of Accōns Suites plaints or other demands whatsoever as Liberrally franckly freely fully Lawfully and Securely as if they and every of them had been Natureally borne within this Prouince of Maryland or were of Brittish or Irish descent and as any other person or persons Natureally born in this Prouince or of Brittish or Irish discent may any way Lawfully doe any Law Provisoe Act or Custome of this Prouince or any other thing what-

Liber W H & L p. 94

Liber W H & L soever had made ordeined & done within this Prouince to the Contrary thereof in any wise Notwithstanding

P. 95 An Act Concerning what shall be allowed to the grand Iuries That are Summoned twice ayeare out of the body of the Prouince to attend Provinciall Courts

Forasmuch as the Lawes of this Prouince haue not as yett provided for the Satisfaccon of those persons that are Summoned twice ayeare as Iurors out of the body of this Prouince to attend Prouinciall Courts the Deputyes & delegates of this present Generall Assembly doe humbly pray that itt may be Enacted And Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the aduice and Consent of the upper and lower houses of this present Generall Assembly and the authority of the same That those persons that are summoned vppon the grand Iuries twice ayeare out of the body of this Prouince shall from henceforth be allowed for every Court that they they shall soe attend as Jurors two thousand five hundred pounds of Tobacco for their Expences and noe more and that every County Leavy five hundred pounds of Tobacco Yearely to be paid to the Ordinary Keeper of the Country house att S^t^ Maries that entertaine them this Acte to endure for three Yeares to the end of the next Generall Assembly which shall first happen

P. R. O. Colonial Entry Book No. 53 An Act for the Raysing a present supply for his Excellcy the Cap^t^ Generall to defray the Charges of making Peace with the Cynegoe Indians and making warr with the Susquehannes Indians and their Confederates if accation requires.

Your Lopp^s^ two houses of Assembly having received certaine credible Informacons of the many murthers and Outrages comitted upon the psons and Estates of divers of the good People of this Province in Baltemore County by the Susquehanna Indians and other their Confederates Indians by them countenanced and protected contrary to the Articles of Peace of your Lopp^s^ Councill here agreed upon and concluded upon which a Warr is likely to ensue and it being also conceived that it may be of great benefit and advantage to the Interest of this Province to make Peace with the Cynego Indians for the defraying the expences of such Warr or Peace if it shall seeme necessary to the Cap^t^ Generall and Councill to make such

Peace or Warr doe Pray it may be enacted and bee it therefore enacted by the Right Honorable the Lord Propty by and with the advice and consent of the Upper and Lower houses of this psent Generall Assembly and by the Authority of the same that there be leavyed & raysed this present yeare the sume of Fifty thousand pounds of Tobacco by an equall assesmt upon the psons and Estates of the Inhabitants of this Province to be payd to his Excellency Charles Calvert Esqr Capt Genll of this Province to bee by him disposed of as hee and his Councill shall thinke meete for and towards the defraying all such Charges and expences as shall be laid out and expended in and about the carrying on or making any Warr or Peace withe the Susquehannough Indians or any other their Confederates Indians or with the Cynego Indians if his Excellency and Councill shall thinke expedient to make such warr or peace this psent yeare to be expeditiously & done and in case the said Warr or Peace shall forthwith be psecuted and made and that itt shall happen the said fifty thousand pounds of tobacco so hereby to be leavied as aforesaid shall not appeare to his Excellency and Councill to bee sufficient for the defraying of the Charges aforesaid, so that it shall fall out his Excellency or Councill or any other pson or psons shall necessarily expend Lay out or lend uppon the Publique Faith in further prosecution of the said Warr and procuring such peace as aforesaid any sume or sumes of tobacco whatsoever the delegates of the Lower house of Assembly doe hereby ingage the Publique Faith that all such pson or psons that have so paid lent or layd out the same as aforesaid shall and will at their next Sessions or meeting of the Assembly pay and satisfie all such accompts, paymts, disbursemts and Loanes aforesaid such pson or psons at the same assembly then making their just accounts, Loans & Demands duely to appeare to be necessaryly expended lent and laid out in defence of the Country and making & psecuting such Warr or Peace as aforesaid, this Act to endure for three years or to the end of the next Genll Assembly which shall first happen.

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His Lordshipp declareth these to be Lawes

Charles Calvert.

Memorandum.

These Acts passed under the
Greate Seale 16th June 1674
Philip Calvert Canc.

An Act Empowering the Governor and Councill to Leavey the Charge for making warr or peace with the Indians.

Whereas diverse Charges may arrise for the necessary Defense and Safety of the Inhabitants of the Province either in

P. R. O. Colonial Entry Book No. 53

obteyning peace or manageing a Warr with fforeigne or Domestick Indians And the Delagates of this Present Generall Assembly being ready and willing to have all Such necessary Charges defraied and Duly paid Doe humbly pray that it may be enacted And bee it hereby enacted by the Right Hon^ble^ the Lord Prop^ry^ by and with the consent and advise of the upper and lower house of this present Generall Assembly and by the Authority thereof that the Lieuten^t^ Generall and Councill be and are hereby impowered for the space of one whole year from the ffouertenth day of this Instant ffebruary to Leavy and Rayse all such Charges as shall accrue as aforesaid by an equall assessment Upon all and every the tythable persons within this Province and for the Ascertaining such pay as shall be allowed to any Officer or Souldier to be Leavyed and Raysed for the Carrying on such Warr (if any shall be) Such Officers and Souldiers shall be paid for their service in Such Warr according to the Rates and Proporc̄ons as hereafter in this Act is appointed. That is to say a Collonell or Chiefe Commander in the ffeild Two Thousand pounds of tobacco per month if the force Sent out exceed the number of an hundred men, To a Lieuten^t^ Collonell ffourteene hundred pounds of tobacco per month. To a Major Twelve hundred pounds of tobacco per month, To a Cap^t^ one thousand pounds of tobacco per month, To a Lieuten^t^ Seaven hundred pounds of tobacco per month, To an Ensigne Six hundred pounds of tobacco per month, To a Sarjeant ffoure hundred pounds of tobacco per month, To a Corporall ffoure hundred pounds of tobacco per month, And to every private Souldier Three hundred pounds of tobacco per month And that those Rates and Allowances for such officers and Souldiers service as aforesaid shall be paid and allowed and no more Provided allwaies that if the forces hereafter to be sent out from Time to Time exceed one hundred men and amount not unto Two hundred Then no L^t^, Collonell Majors pay be allowed And Provided also that no pay be allowed to any Officer or Souldier aforesaid unlesse such Officers and Souldiers be actually in service in ffield as afores^d^ and for such time onely at they shall be in actuall service in the ffield as aforesaid This Act to endure untill the ffourtenth of ffebruary next and no Longer.

An Act for Reviving of Certaine Lawes within this Province.

fforasmuch as many good and wholesome Lawes have formerly bene made in this Province which being Temporary will of themselves expire if not Renewed and Continued by

this Present Gen.ll Assembly Bee it enacted by the Right Hon.ble the Lord Propriet.y of this Province bye and with the advise and Consent of the upper and Lower house of this present Generall Assembly of this Province and by the Authority thereof That an act made at a Generall Assembly begun the 27.th of Aprill 1678 entituled an Act concerning the gage of Tobacco hogsheads One other Act entituled an Act for Registring of births, Marriages and burialls One other Act made att an Assembly held at S.t Johns the 17.th day of Aprill 1661, entituled an Act appointing certaine officers (except the last clause for nominating sheriffes) one other Act made att the same Assembly entituled An Act for Military Discipline one other Act made at the same Assembly entituled an act concerning the height of ffences One other Act made at the same Assembly entituled an Act for Conveyance of all Letters concerning the state and publique Affaires, One other Act made att a Generall Assembly held att S.t Maries the ffirst of Aprill 1662 Intituled an Act for Publicac$\bar{o}$n of Marriages, One other Act made att the same Assembly Imposing a ffee on those who shalbe married One other Act made at the same Assembly Intituled an Act concerning Indians One other Act made at the same Assembly intituled an Act concerning the Secretary and an Addic$\bar{o}$n to his ffees except this clause in the said Act viz.t that the Secretary of this Province shall Send to each Respective County Court within this Province all the Lawes in force with the Lesser Seale Affixed to them for the which each Respective County was to pay to the Secretary One thousand pounds of Casqued Tobacco which is not to stand renewed, One other Act made att a Gen.ll Assembly held at S.t Maries the 15.th day of September 1663 and there continued untill Saturday the 3.rd day of October ffollowing and thence adjourned untill the second Tuesday in September 1664 entituled an act prohibiting arrests on Sabbath Dayes and Dayes of generall Mustering and Trayning One other Act made att the same Assembly Intituled An Act for Amerciaments in the Provinciall County Court One other Act made att a Generall Assembly held at S.t Maries the fourth day of Aprill 1666 entituled an Act prohibiting Trade with Indians for any fflesh dead or alive except Dear or Wilde-Fowle One other Act made att the same Assembly entituled an Act for Clks ffees and allowance for Jurors in civill causes One other Act made att a Gen.ll Assembly held att S.t Maries the 13.th day of Aprill 1669 entituled an Additional act to the Law for the Publicac$\bar{o}$n of Marriages One other Act made att the same Assembly entituled An Act for Limitac$\bar{o}$n of actions to avoide Suites at Law One other Act made att the same Assembly, Intituled an Act providing Sufficient Freight & carriage for the proper goods and

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Comodities of his Lopp the Lord and Proprietry of this Province and of the Governor of this Province for the time being One other Act made at the same Assembly entituled an Act against Foreigne Ingrosers One other Act made att a Generall Assembly held at St Maries the 17th of March 1670 and prorogued till the tenth of October 1671 entituled an Act touching Coopers One other Act made att the same Assembly entituled an Act against hogg stealers One other Act made att the same Assembly entituled an Act for Coroners Fees One other Act made att the same Assembly entituled an Act for markeing highwaies and makeing the heads of Rivers Creekes branches and Swamps Passable for horse and Foote One other Act made att the same Assembly entituled an Act for the Killing of wolves One other Act made att a Generall Assembly held at St Maries the 19th day of May 1679 Entituled An Act concerning Ordinary Keepers One other Act made att the same Assembly entituled An Act Concerning the Impannelling the grand Inquest in the Severall Counties within this Province One other Act made att the same Assembly entituled an Act for the Surveyor Generalls Fees with an addicōn of Fees upon Resurveys and for Leavying the same One other Act made att the same Assembly entituled an Act for payment of Fees due from Criminall persons One other Act made att the same Assembly entituled an Act for Limiting of Accōns against the surveyr Genll of this Province One other Act made att the same Assembly entituled an Act concerning servants that have bastards One other Act made att the same Assembly entituled an Act for appointing Court Dayes in each respective County within this Province One other Act made att the same Assembly entituled an Act against burnors of Fences One other Act made at the same Assembly entituled an Act against burnors of Fences one other Act made att the same Assembly entituled an Act concerning taxable persons One other Act made att the same Assembly declaring what shalbe done by the Sheriffe. exofficio One other Act made att the same Assembly entituled An Act against the Prophaning the Sabbath Day One other Act made att the same Assembly entituled an Act prohibiting all masters of Shipps or other Vessells or any other persons from Transporting or Conveying away any person or persons out of this Province without passes the same Act and every of them are here Revived and Confirmed for the Tearme of three Years or to the end of the next Sessions of Assembly which shall first happen.

An Act for Regulacōn of Attorneys Fees

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The Delegates of this present Assembly having taken into Consideracōn the Just Compᵗˢ of Severall of his Lordᵖᵖˢ good people of this Province by the abuse of severall persons in this province Practising as Attorneys Counsellors & Sollicitors at Law in this Province by taking and exacting of excessive Fees of their Clients whereby many of the good people of this Province are much burthened and their causes much delayed and by the great number of Attorneys whereby many unnecessary and Troublesome Suites are raised & fomented doe Humbly pray yʳ Loᵖᵖ that it may be enacted & be it therefore Enacted by the Right Honᵇˡᵉ the Lord Propᵗʸ by and with the advice & consent of the upper & Lower House of this present Genˡˡ Assembly and the Authority of the same that there be a certaine number of Attorneys admitted nominated & Sworne by his Excellency the Capᵗ Genˡˡ or other cheif Governor of this Province for the time being to be Attorneys Councelloʳˢ or Sollicitors in the Proᵃˡˡ Chancery Court or other Court of Record within this Province for the Following prosecuting defending or Pleading of any accōn or accōns Suite or Suites in any the said Courts and no person or persons shal be admitted to plead prosecute and defend any Suite or Suites in any County Court of this Province as Attorney Councellor or Sollicitor but such only as shall be thereunto appointed by the Comissʳˢ of each respective County Court & that all Attorneys so nominated and appointed as aforesaid shall take the usuall Oath of Attorney And be it further Enacted by the Authority aforesaid that no person or persons whatsoever now admitted & sworne or hereafter to be admitted or sworne as aforesᵈ shall at any time hereafter directly or indirectly aske demand take or receive of any of their Client or Clients whatsoever in mony goods tobacco or any other Security to that purpose to be given above the vallue of Foure hundred pounds of tobacco for any Fee gratuity or Reward for the prosecuting Following defending counselling advising or pleading of any one Cause or suite whatsoever hereafter to be begunn prosecuted Followed pleaded or defended in any of the Courts held before his Loᵖᵖˢ Justices of the Proˡˡ Court (the Chancery Court only excepted) from the first Comencemᵗ of any Suite to the Finall determination thereof and for the prosecuting pleading or Defending of any Suite in the Court of Chancery not exceeding the Vallue of eight hundred pounds of Tobacco & that all persons hereafter to be admitted & Sworne Attorneys in the Severall & Respective County Courts shall not att any time hereafter directly or indirectly aske demand take or receive of any of their Client or Clients wᵗsoever in money goods tobacco

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ready payed downe or by bill bond or Specialty or other security to that purpose to be given above the vallue of Sixty pounds of tobacco for any Fee gratuity or Reward for the prosecuting following defending Councelling advising or pleading of any Cause or suite w^t^soever hereafter to be begun prosecuted pleaded or defended in any of the County Courts within this Province from the first Comencem^t^ of any Suite to the Final Determincõn thereof And that every such Attorney hereafter to be admitted doe before his admittance take the usual Oath of Attorney & th^t^ he shal be content with the Fees in this Act Limited w^ch^ said severall Fees hereby allowed to the severall Attorneys shal be allowed in a bill of Costs to either p^ty^ p^ltf^ or Defd^t^ against the p^ty^ cast And all Attorneys Councellors or Sollicitors taking or exacting other Fees than afores^d^ & offending against the true intent & meaning of this Act And being thereof Lawfully convicted by the Oaths of two sufficient witnesses shal not only loose & forfeit for every offence as afores^d^ the Sume of two thousand pounds of Tobacco one half thereof to the Lord Pro^ry^ the other half thereof to the p^ty^ grieved to be Recovered in any the Courts of this Province by bill plaint or Informacõn but shall also be excluded from being Attorney Councellor or Sollicitor in any of the Courts of this Province for ever hereafter Provided that this Act nor anything therein conteyned be not construed judged or taken to debarr any person or persons p^ltf^ or Defd^t^ at the Tryall or hearing of their Cause or Causes to speake for themselves if they so desire it. This Act to endure for three Years or to the end of the next Gen^ll^ Assembly which shall first happen.

An Act for payment & Assessing the Publique Charges of this Province.

Whereas there hath beene one hundred seaven thousand eight hundred and ninety Seaven pounds of Tobacco expended laid out and Disbursed by the Upper and Lower houses of this present Gen^ll^ Assembly & by severall other good people the Inhabitants of this Province as also Tenn thousand Seaven hundred eighty nine pounds of Tobacco allowed unto the severall sheriffs of the severall Respective Countys for their Sallory for the Collecting of aforesaid Sume 107897^lb^ of Tobacco all which amounts together in the whole to the Sume of one hundred & eightene thousand Six hundred eighty & Six pounds of Tobacco & to the intent th^t^ the Same may be Satisfied to those persons to whom it is due as by a Catalogue hereunto annexed doth appeare. Bee it enacted by the Right Hon^ble^ the L^d^ Prop^ry^ by & w^th^ the advise & Consent of the upper & Lower Houses

of this Present Genll Assembly & by the Authority of the Same thr the said Sume of 118686lbs of Tobacco due as by accot hereunto annexed be Raysed & Leavied by the Governor & Councill of this Province by equall assessmt upon the persons & Estates of the Inhabitants of this Province paid unto the severall persons & in the proporcons as in the accot hereunto Annexed to be Leavied & Paid the next ensueing Cropp to the severall persons underneath, Vizt

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	lbs Tob:
To the Governor allowed towards Defraying his Expenses att St Johns	30000 Lbs Tob:
To Mr Clement Hill allowed him upon his Petition	03940 lbs Tob:
To Mr Henry Warde allowed him for Losse of his horse prest for the Publique service	01800
To the Guardians of the Orphant of Godfrey Bayly for a horse prest as above	01800
To Thomas Cosdon for quartering men raysed for the Publick Service	02000
To Peter Burgis for his time & expense in goeing to the Clifts	00200
To Thos Gamut for entertaining men quartered by Major Brooke at his house	00980
To Mr Thos Vaughan for a boat prest for the publick Service 3 Dayes	00045
To Jacob Duccat Richard White & Thomas Morris for goeing in the said boat	00135
To Mr Roger Woolford towards defraying Charge for a Boate exhibited by Capt Coleborne	01275
To James Frizby for powder shot & provision prest for the Publick	00060
To Mr William Berry allowed upon his boate	841
To Joseph Edloe for Conveying of Letters from the Governor to the Millitary Officers	00250
To Thomas Phillips for quartering men other necessarys & his owne servitude & trouble	00760
To Charles Delarosh for Attendance on the Lower house	00400
To Ditto Delarosh for entertaining Grand Juries the Clks of the Upper house of Assembly & other Publick expenses of the Burgesses	21303
To Ditto Delarosh for Criminal expenses	3154
To Garratt Vanswaringen for Publick expenses and entertainmt of the Clks of the Lower House	29354
To Richard Boughton & Robert Ridgeley Clks of the upper & Lower houses	6000
To Peter Evre for Arrears and his present service this Assembly	01200

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To John Lowthin for his Service in the Committee	01000
To Thomas Wynn Doore Keeper of the upper house	00400
To Matthias Woode Doore Keeper of the Lower House & Drumm[r]	600
To John Chrycroft for Erecting of a gallowes	400
	107897
To the Sherf[s] for their Sallery for Collecting Same	10789
Sum to	118686

His Lopp Willeth these be Lawes
Charles Calvert

These Lawes passed under
the great Seale of this
Province Feb 26th 1679.

Philip Calvert Canc.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

At a session held at St. Mary's, May 15—*June* 15, 1676.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

HIS LORDSHIP IN PERSON.

THE UPPER HOUSE OF ASSEMBLY.

At an Assembly begun and held at the City of S^{t} Maries on the 15th Day of May in the first Year of the Dominion of Charles &^{t} Annoq Domini 1676.

U. H. Journal 1659–98 p. 256

On which Day Appeared to the Upper house of Assembly
The Right Honourable Charles Absolute Lord and Proprietary of the Province of Maryland &^{t}
And Likewise by Virtue of his said Lordships Speciall Writts to them Severally and respectively Directed there did Appear.
The Honourable Philip Calvert Esq^{r} Chancellor
Coł William Calvert Principal Secretary
Coł Iesse Wharton—Thomas Taylor Esq^{r}
Baker Brooks Esq^{r} Surveyor General.

The Tenour of which Special Writts aforesaid is as followeth Viz^{t}

Charles Baltimore

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &^{t} To Our Trusty and Welbeloved Our Dear Uncle Philip Calvert Esq^{r} Chancellor of Our said Province Greeting Whereas for Several Weighty and Urgent Occasions and Affairs Relating to Ourself and to the State and Defence of Our said Province of Maryland We have Determined and Ordained a Certain General Assembly of Ours to be holden at Our City of S^{t} Maries within Our said Province on the 15th Day of May next there to Treat with Our Councillors and the most Considerable Persons of Our said Province We do Will and Command you upon the faith which You Owe unto Us, that the Difficulties of Our said Affaires and the Imminent Dangers Considered all Excuses whatsoever Set aside You be Personally present at the Day and Place aforesaid with Us Our Councillors and the aforesaid Other Persons of Our said Province to Treat, and to afford Us Your Company and Council in Relation to the aforesaid Affairs, And this as You love & Esteeme us Our Honour and the Safety and Defence of Our said Province you are no ways to omitt Witness Ourself at the City of S^{t} Maries the thirteenth Day of May in the first Year of Our Dominion over Our said Province of Maryland Annoq Dom 1676

U. H. Journal 1659–98

Charles Baltimore

Charles &t: To Our Trusty &t: Our Dear Cousin William Calvert Esqr: Principall Secretary of Our said Province &c: Greeting &t: we Supra

Charles Baltimore

Charles &t: To Our Trusty &t: Our Dear Cousin Baker Brookes Esqr: Our Surveyor General of Our said Province Greeting &t: ut Supra.

Charles Baltimore

Charles &ta To Our Tusty &t: Jesse Wharton Esqr: Greeting &t:.

Charles Baltimore

Charles &t: To Our Trusty &t: Thomas Taylor Esqr: Greeting &t:

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Lower House May the 15th 1676.

This House having taken into their Consideration that Whereas Mr: Robert Carvile was Elected a Burgess for the City of St: Maries and not being Called by the Writt of the Right Honourable the Lord Proprietary but in regard of the said Carviles Abilities to Serve his Lordship and this Province as a Member of this house Voted Nemine Contradicente that this House humbly Desire his Lordship that his Lordship would please to Send his Writt for the said Carvile to Serve as a member of this house that so the said Carvile may Attend this house as a Member thereof to Morrow Morning.

Signed by Order Robert Ridgley
Clerk of the Lower house.

Which Request of the Lower house his Lordship most readily Granted

Signed by Order Richard Bought
Clerk of the Assembly—

The House is Adjourned till 8 of the Clock to Morrow Morning—

On Tuesday May 16th at 8 in the Morning the house met

Present { The Right Honourable the Lord Proprietary
The Honourable Secretary Jesse Wharton Esqr:
Thomas Taylor Esqr: Baker Brooke Esqr:

U. H. Journal original p. 3

The Honble Chancellor enters The House.

The Lower house requested by Colonll Burges and Mr: Weekes [that the] Comission and Instructions from his Lop to Major: [Thomas Truman] Touching the late Warr with the Indians [may be sent] to them by this house, Jn Pursuance

whereof [the Honourable] Secretary and Leiv^{t} Colonel Taillor were [by this house] sent with a true Coppie of the said Comission [& Instructions] who delivered the same to the Lower house. U. H. Journal original

Lowe^{r} house
16 May
76.

Voted th^{t} a Message be sent to the Right [Honourable the Lord] Proprietary and upper house to desire [to know in what] Articles of Majo^{r} Trumans Comission and [Instructions he] hath been faulty and who are the per[sons that Accuse] him and Can prove it th^{t} soe the said pers[ons may attend] this house to give them satisfaction in the [Crimes and Offen]ces of the said Truman

Signed &c

Jn answer to which Message this house Retourned to the Lower house that it is Conceaved by this house that the Lower house are the Gen^{ll} Jnquisitors of this Province and ought to become Impeachers of the above menconed Truman touching his guiltinesse of the Breach of anie of the Articles aboue as the same shall appeare to them upon examination of Witnesses some of the most Considerable of the said Witnesses now Sitting in theire house, and that this house is Ready to receive the sd Impeachm^{t}

Signed by Order
Rich^{d} Boughton Cl^{k}
of the Assembly

Ordered that Cornet Courtney and William Cole doe appear before the Lower house to make reporte of some matters to them touching the Impeachment of Major Thomas Truman Which have been by them first Related to this house.

Signed &c:

Ordered by the Upper house that Cap^{t} Henry Darnell doe forthwith secure the person of Majo^{r} Tho^{s} Truman in safe Custody till the said Majo^{r} shall Cleare himself of such Crimes and Offences whereof he shall stand Impeached by the Lower house of Assembly.

Signed &c:

Ordered th^{t} Cap^{t} Jn^{o} Allen and Doct^{r} Charles Gregory doe wth all Expedicon make theire appearance before the R^{t} Hono^{ble} the Lord Proprietary and his Hono^{ble} Councell Sitting in Assembly to testifie the truith of their Knowledge [Tou]ching the late barbarous and inhumane Murder [of] five Sus- p. 4

U. H. Journal original quehannough Indians and th^t the said Cap^t [All]en give Strict Command to his Lieveten^t to [Continue] Rangeing the Woods in his ab[sence].

Signed &c:

[To Captain John A]llen & Doct^r
[Charles Grego]ry of Charles County

[Jt is] the opinion of this house, th^t the petic$\bar{o}$n of Ann Cawood [Wid]dow addressed to this house be Considered and th^t the [P]etic$\bar{o}$ne^r be duely Releived and it is desired th^t the Lower House will Concurre herein.

Signed &c:

Ordered th^t Ninion Beale doe with all expedic$\bar{o}$n make his appearance before the R^t Hono^ble the Lord Proprietary and his Hono^ble Councill sitting in Assembly to testifie the truth of his Knowledge touching the barbarous and inhumane murder of five Susquehān Indians

Interragatories for Jn^o Shankes to be Examined Touching the late Expedic$\bar{o}$n against the Susquehannough Indians.

1^st Whether Majo^r Truman w^th the forces vnd^r his Co$\bar{m}$and was at the North side of Puscattuway Creek and did there expect and meet the Virginians

2^dly Whether the said Majo^r Consulted with his Offic^rs & those of Virginia afore he held any discourse or Treaty with those Susquehannough Indians which Came out of the forte,, alsoe whether it was with the Knowledge of any of his Offic^rs th^t he treated and endeavoured to make the Susquehannoughs beleive he intended noe harme or disturbance to them, and What Offic^rs or others he knowes were p^rsent when orders were given by the Majo^r for the putting those great men to death.

3^d Whether he knowes that at any time the Offic^rs of Virgi^a did desire or put Major Truman upon any designe pressing him to employ his Souldiers about or vpon any service dureing the seige and if Major Truman did at any time execute any thing at their request by receiving Instructions or [Dir]ections from them.

p. 5 4^thly Whether did Majo^r Truman bid the Susquehannough[s] not to feare him or tell them th^t he Came onely to [Seek] the Seneca's and th^t he would Lodge th^t night [hard by] them, and use th^t as an argument for them [their Wives] and Children not to be afraid, or that or [any other] expression to th^t Effect.

5^ly What Writings Articles of Pea[ce or Amity] did the said Susquehannoughs ever [Produce to] Major Truman.

6^ly Did the said Susquehannoughs ever she[w a Meddall] of silver with a black and yellow [Ribbond].

7^ly Did they shew the said Ribbond and [Meddall as a]

Pledge of amity given them by the former Governo[rs] of this Province, and was the said Meddall given to Majo[r] Truman or to any other English man, or was it Carryed back againe into the forte. U. H. Journal original

8[ly] Did Major Truman stay at the North side of Puscattuway Creek till the Virginians came thither to him, or did he there treat with them Concerning the Mannagem[t] of the Warr ag[t] the Susquehannoughs

9[ly] Did the Susquehannoughs ever ofter offer any Treaty of peace or desire to Continue friendship and Whether did Majo[r] Truman ever demand satisfaction from them for any Injuries done or tell them they were the persons which we suspected had Injured vs.

The house adjourned Till 9 a Clock
to morrow Morning.

On Wednesday May the 17th 1676. at 9 a Clock in the Morning the house Mett

Present as Yesterday:

Ordered th[t] for the more Expedicious retourne of the Examinacō̄ of Iohn Shankes to the seav[ll] Jnterogatories touching the Murder of the Susquehannough Jndians, M[r] Ressell is hereby Impowered to Presse Boate and hands and other Necessaries in order to the said Expedicō̄.

Signed &c:

Ordered th[t] the peticō̄ of Eliz Delaroach be duely Considered by the Comittee of both houses to [Sitt] upon Publick acco[ts] p. 6

Ordered th[t] the Hono[ble] Secretary do forthwith Issue a [Wr]itt of Supersedeas to Supersede the Capias ad Satisfa[cie]ndum Menconed in the Peticō̄ exhibited to this house [by] Roger Lawdemore.

Signed by Ord
Rich: Boughton Clk
of the Assembly.

[The] house is adjowrned
[for] halfe an houre.

The house Mett

Low[r] house
May 17[th]
1676

Voted th[t] The Comittee inspect all the Lawes of this Country for ffees due to any person whatsoever by Reason of theire Office, and ascertaine all ffees of all Officers Whatsoever with-

U. H. Journal original in this Province and draw Up a Law for that Purpose, th^t Soe While the Right Hono^ble the Lord proprietary is in this Province Same the may be fully Settled and th^t his Lo^pp & the Upper house be desired th^t the Hono^ble the Chançello^r and Secretary may be Joyned with the Comittee of this house to make up a Comittee of both houses for Inspecting the Settling of the Same

Signed &c

This house doth readily Concurre w^th. the vote of the Lower house here within and desire they will give timely Notice of the time and place When and where the Comittee Within Specified Shall meet

Signed by ord^r
Richard Boughton Clke
of The Assembly.

The house is adjowrned
Till 10 a Clock Tomorrow
Morning.

On Thursday May the 18^th 1676.

The house mett at 10 in the Morning

The house is adjowrned For half an houre

The house Met

p. 7 John Edmundson sent by the Lower house for [the] Boddy of the Lawes, And The Hono^ble Secretary [by] Request of this house Carryed downe the Sa[me]

Low^r house May 18^th, 76 This house upon Receaveing a peticō of Ge[orge Watts] and being alsoe informed that there is a Dau[ghter of] John Dickensons in possession of the Indians at [Murder Keel,] Voted by this house That his Lo^pp be hu[mbly requested] th^t the Said Children may be demanded of [the Indians in] a faire way and th^t if the Peticōner [and the said] Dickenson doe know and owne theire [Children that the] Indians may deliver them up

In answer to w^ch this house haveing mat[urely] Cons[idered] the peticon and informacōn above Specified [doe] desire the Lower house to Consult and debate with themselves Whether the demand of the Children of Watts & Dickenson be not in the p^rsent Juncture of time very dangerous & may not occasionally Suggest a Jealousie & Suspition to the Emperour of Nanticocke th^t we are minded to pick a quarrell with him and Create furth^r mischeif then wee may possibly be aware of, the Result of which Consultacon and debate of the Lower house this house is very desireous to Vnderstand

Signed &c

Comes into the house an act Entituled an Act prohibitting Armes and Amunition to be sould given or Lent to the Indians U. H. Journal original

Vpon Reading the said bill the Upper house Conceave there are good Lawes alreadie made Sufficient to restraine the People from Selling Amunition &c to the Jndians And are of opinion th^t^ it is very Vnreasonable to Passe this bill now propounded, in Regards the denyeing amunition To the friend Jndians our Neighbours for for Theire Necessarie defence will vndoubtedly force them to Joyne with the Jndians th^t^ are our declared Enemies, Besides This house doe finde all the Jnhabbitants Soe averse to the Indians th^t^ there is little Just Cause of feare th^t^ any man will Sell them any the least quantity of Amunicō̄n And This house doe further Conceave th^t^ if this act passe the Governm^t^ is disabled at any time hereafter to Treat with our friend Indians who will vndoubtedly within a few houres demand o^r^ assistance in Armes and Amunition.

And for these and many other Important Reasons which this p. 8 house Could give, This house doe desire the Lower house will further Consider of the s^d^ bill [and] Resolve to Wave all Treaty with the Jndians [or] lay a Side this Bill, And moreover it is Conceav[ed] by this house th^t^ there may be a Necessity for the [Con-]tinuance of our present friendship and amity [with] the Friend Indians in order to the future [Secur]ity of the Province or persuite of any Enemies [in Ti]me of Warre And it will be Vaine for vs [to E]xpect Theire Ayde and Assistance in Those [Res]pects if we disable them from the Same by [R]estraining any Armes or amunition from Coming to Theire Hands,

The house is adjowrned for an howre

The house Mett

Lower house May 18th 1676

Upon Reading M^r^ Frisbys papers the house is of opinion th^t^ if the Land be M^r^ ffrysbys he hath his Remidy ag^t^ Augustine Harman and the rest at Comon Law by action of Trespasse but not Releiveable here or in any other place but by due Course of Law and th^t^ upon Tryeing the action if the Commiss^rs^ have done any thing to his prejudice ffrisbye will Recover Sufficient dammages & besides the Said Comissioners if Cast and it appear th^t^ They haue done any thing under Collour of theire Office w^ch^ they Cannot Justifie to the Com^rs^ of the Prov^all^ Co^rts^ the said Justices Will fine them.

Signed &c

In answer Whereto The upper house would desire the Lower house to vnderstand th^t^ it is not the dammage Sustained by M^r^ Frisbye which is Propounded to the Consideracō̄n of the

U. H. Journal original Lower house, but the dishonor[r] done to the Government by the Com[rs] Who vnder Collour of theire Com[ion] and Law of the Country have Vnjustly arrested from the peticōner his Timber Which this house desires the Lower house further to debate and alsoe, th[t] they will please to take an acco[t] of M[r] Charles James High Shff of Cæcill County touching the Exhorbitant and illegall proceedings of Abraham Wilde in that County

Signed &c

p. 9 Ordered th[t] In[o] Baker Jnnholder doe Supply the Indians Who at p[r]sent doe attend this Assem[bly] With Such provissions as is Necessary for [their] Sustenance dureing theire Stay at S[t] [Maries.]

Sign[ed &t]

Lower house May 18 1676 This house are of oppinion as the U[pper house] of that at this time the demand of th[e Children] of Watts and Dickenson is danger[ous and may] Suggest Suspition and Iealousie to [the Emperor] of Nanticocke But This house [humbly] Referrs it To his Lo[pp] as to Choice [of Time that] may be Convenient for the Same

Signed &c

The house is adjowrned Till Tomorrow Morning
At 10 a Clock

On Friday May the 19[th] 1676
At 10 a Clock in the Morning
The house mett

Present as Yesterday Together w[th] Coll Sam[ll] Chew

Low[r] house May: 19 76 This house upon full examinacōn of the businesse between M[r] Frisbye and the Comissioners of Cæcill County are of Opinion th[t] Augustine Harman Abraham Wilde and Henry Ward are guilty of a Ryot in Cutting M[r] Frisbys Timber off his Land by force and vnder Collour of Authority, And this house humbly Conceave th[t] they ought to be indicted for the Same at the next Prov[all] Co[rt] And this house have Taken an acco[t] of M[r] Charles James of the proceedings of M[r] Wilde and Send it back to the Upper house with the rest of the papers for his Lo[p] and the Upper house to proceed therein according to Law but th[t] this house Can make noe Proceedings thereon for Want of proof M[r] James onely as to th[t] perticular Swearing by hear Say

Signed by ord[r] of the Low[r] house
Robert Ridgely Clk

Ordered by the Upper house th^t^ the papers between M^r^ ffrisbye and M^r^ Harman &c be Sent to the Attorney Gen^ll^ and th^t^ an Jndictm^t^ be by him [Dr]awne Upon the Same U. H. Journal original p. 10

Signed &c.

Comes into the house a bill entituled an Act for the Security and defence of this Province, by [M^r^] W^m^ Stephens and M^r^ John Coade

[The] Hono^ble^ Chancello^r^ Coll Jesse Wharton and [Liev]^t^ Coll Taillor Sent to the Lower house to Speak [to] the Act Touching the prohibition of Armes and Amunition to the Jndians

Read in the house a peticōn Exhibited by the Hono^ble^ Chancellour and Jn^o^ Jordan the two overseers of the Last Will of Leiv^t^ Collon^ll^ Jn^o^ Jarboe late deceased and the Same ascented to by this House

Once Read

Signed &c

The answer of In^o^ Shankes to seaverall Interogatories put To him by the Upper House

This Depon^t^ Saith that he w^th^ the Mary Land forces being at the forte of the Susquehannoughs on the Sabboth day he was sent up to the forte to desire one of the great men by name Harignera To Come and Speake with Majo^r^ Truman and the said Harignera being dead This Deponent desired Some other great men to come and Speake with the s^d^ Majo^r^ Vpon which message of his there came out 3 or 4 of them, And this Depon^t^ was Commanded by the Majo^r^ to tell them of the great Jnjuries that had been done to the Country and th^t^ he came to know Who they were th^t^ had done them, And the great men Replyed it was the Senecaes and This Depon^t^ Saith that there being p^r^sent other Jndians from other Townes The Majo^r^ desired some of theire Young men To assist as Pilates as well as the Neighbouring Jndians had done to Joyne in the persuite ag^t^ the Senecaes, And the Said Jndians Replyed th^t^ the Seneca's had been gone 4 dayes and th^t^ by th^t^ time they might be at the head of Patapscoe River To w^ch^ Majo^r^ Truman Retorned that he had good horses and they were good foot men and might soon overtake them and the Jndians Replyed they would, And the Depon^t^ further Saith that in the Morning following The Susquehannoughs great men being at the place of Meeting before the Mary Landers and Virginians the Said great men were taxed againe by the Virginians more highly of the Injuries done by them in Mary Land and Virginia and they vtterly denyed the Same and thereupon This [Depon^t^] was C[omman]ded to Declare to them that they Should be Bound, and this Depon^t^ Saith further that there was p. 11

U. H. Journal original an old Paper and a Meddall shewed by these Indians w^th^ a black [and] Yellow Ribbond thereto, and th^t^ the Said Jndians [did] Say the very first day in the Evening [thereof] that the Same was a pleadge of peace [given and] left with them by the former Gover[nors as a] Token of amity and friendship as [long as the] Sun and Moone Should last, And this [Deponent saith] that To the best of his Remembra[nce all the] Virginia Offic^rs^ were p^r^sent When [the Indians] were bound, And This Depon^t^ [Saith] that [the] first night of meeting with the s^d^ [Susquehannahs] he was ordered to declare To them That Major Truman did beleive the Senecaes had done the Mischeife and not they and that he was well Satisfied Therein

Signed &c

The Upp^r^ house doe appoint the place of meeting of the Comittee for the Inspection of Lawes alreadie made for Offic^rs^ ffees To be in S^t^ Marys Roome in the Court house and the time two of the Clock in the afternoone

Signed &c

The house is adjourned for half an houre

The house mett

Lower house In answer to the Message this house Receaved from his Lo^p^ and upper house by the Hono^ble^ Coll Wharton this house are of oppinion th^t^ Cap^t^ Allen with his Troope in Case of meeting with any Strange Indians th^t^ refuse to give an acco^t^ what they are or fly from him that he w^th^ his troop vse his vtmost endeavour to force and Compell the Said Indians in And th^t^ his Lo^p^ be desired th^t^ Cap^t^ Allen at his goeing out may have a friend Indian with him to acquaint Cap^t^ Allen Which are friend Indians and w^ch^ not

Signed &c

The house adjowrned Till 10 a Clock Tomorrow Morning

p. 12 On Satturday May the 20^th^ 1676

The house Mett

Present as Yesterday

Touching the Murder of the Susquehann^h^ Jndians [Ca]p Jn^o^ Allen being Sworne and examined Saith [that] about the 25 or 26 day of September on Sunday [M]orning the Mary Land forces appeared before the Forte under the Comand of Majo^r^ Truman Who Sending Hugh ffrench and another to the forte there Came out two or three of the Indians and more

afterwards To the Number of Thirty or forty and the Majo^{r} examined them Concerning the mischeife th^{t} was done to M^{r} Hanson and others and if they knew what Jndians they were, and they told them it was the Seneca's dureing which discourse between the Majo^{r} and them Came over Coll Wasshington Coll Mason and Majo^{r} Alderton and they likewise Taxed them with the Murders done on theire Side by them but they made the same reply as To Majo^{r} Truman that it was none of them soe when they found they Could get nothing out of them Then they made it appeare th^{t} 3 of the Said Susquehannough Jndians were they that did the Murders on the other Side, On Munday morning early the Majo^{r} Comanded M^{r} Cood and two or three Rankes of men Whereof himself was one To goe to the house of M^{r} Randolph Hanson to se if the Jndians had plundered it and if they found any amunition to bring it away which accordingly they did and after Retorne back to the forte the Depon^{t} Saw Six Indians guarded with the Mary Landers & Virginians and the Majo^{r} with the Virginia Offic^{rs} Sitting upon a Tree Some distance from them and after Some While they all Rose and came Towards The Jndians and Caused them to be Bound, And after Some time they talked againe and the Virginia Offic^{rs} would have knocked them on the head in the place presently & perticularly Collon^{ll} Wasshington Said what Should we keep them any longer let vs knock them on the head we shall get the Forte to day, But the Depon^{t} Saith th^{t} the majo^{r} would not admit of it but was over swayed by the Virgi^{a} Officers and after further discourse the s^{d} Indians wer carryed forth from the place where they were bound & they knocked them on the head

U. H. Journal original

Coll Sam^{ll} Chew and Coll Jesse Wharton [Sent] to desire the Lower howse to acquaint this [house] Whether they have drawne up a[ny thing by] way of Impeachm^{t} of Majo^{r} Thom[as Truman] and th^{t} they Would please to Signifie [the Same] to this house by a Member of th[eir own] House

p. 13

Signed &c

Once Read

Read in this house an Act Re[latin]g to [the] Seizure of Tobaccoe by the Sheriffe and Ordered to [be] Read the 2^{d} Time on Munday Morning

Read once

Read in this house an Act for security of Merchants & others Tobaccoe after they have receaved it and ordered to be read the Second time on Munday morning

Lower house May 20 76

This house having things of a very high Nature ag^{t} M^{r} Charles James, humbly desires his Lo^{pp} and Upper house th^{t} the person of the Said Iames may be Secured and th^{t} if the Upper house have any thing to Comunicate to this house in relacōn to any Misdemeano^{rs} of

U. H. Journal original the Said James, This house desire them to Comunicate the same to this house That this house may proceed ag^{t} him by Impeachm^{t} To the Upper house

Signed by Ord^{r} &c

Ordered that Thomas Winne door keeper of this house be hereby Impowered to presse horse and man To Signifie the Comands of his Lo^{pp} and This house to M^{r} Charles James, high sheriff of Cæcill County forthwith To attend this house

Signed &c

Ordered th^{t} M^{r} In^{o} Coade be hereby Impowered to presse Sloope Boate and hands and other necessaries Whatsoever in order to his ready and expedicious Voyage To and retorne from Virginia

Signed &c

The house is adjowrned
Till 10 of the Clock on
Munday Morning

p. 14 On Munday morning May: 22^{d}: the house mett

Present as on Saturday

Ordered th^{t} Thomas Winne door keeper be hereby [Em]-powered to Press a horse and man for the service [of] this house

Signed &c

[The] house is adjowrned for 3 houres

The house Mett.

Read 2d time Read the 2^{d} time the act Relateing to the Seizure of Tobac by the Sheriff and this house are Willing to passe the Same Provided it be incerted th^{t} his Lo^{ps} Justices doe Call before them both parties and Witnesses for the due proof of the said debt and of the said Sheriffs Seizure as aforesaid and that as in all other civill Causes in his Lo^{pps} Co^{rts} the party Cast Shall Satisfie the Costs and Court Charges

Signed &c

Read the 1st Time Read a bill Entituled an act ag^{t} the Importacō of Convicted ffellons into this Province and Voted to be Read the 2^{d} time

Lower house The act for Confirming the Nuncupative Will of Leive^{t} Colon^{ll} Jn^{o} Jarboe Sent back and ascented to by the Lower house

Signed &c

Read once Read the act for Securing Merch[ts] and oth[rs] Tobaccoe after they haue received it and provided the Lower house will allow time till October Come twelve Month for the performance This house is willing to passe the Said Act U. H. Journal original

Signed &c

Read the 2d Time Read the 2[d] time the act ag[t] importacō of Convicted [Fell]ones into this province and it is the oppinion of this house th[t] the last Enacting Clause Ought to preceed the first enacting Clause to make it Cleare and With th[t] amendment This house Will passe the Act

Signed &c

Colon[ll] W[m] Burges M[r] Robert Carvile M[r] Ken[elm] Chisledine M[r] W[m] Stephens &c brough[t in] an Impeachment ag[t] Majo[r] Thomas Tru[man] With Seaverall Depositions Re[lating] Thereto W[ch] Impeachm[t] is as followeth p. 15

To the Right Hono[ble] the [Lord]
Proprietary of the Province of [Mary] Land
and Avalon Lord Barron of Baltemore [&c.]

Articles ag[t] Majo[r] Thomas Truman Exhibited by The Lower house of Assembly To the Right Hono[ble] The Lord Proprietary and Vpper house of Assembly

Wee yo[r] Lo[pps] most humble true faithfull & obedient people the Burgesses and Delegates in Your Lower house of Assembly being Constrained by necessity of our fidelity & Conscience in Vindication of the hono[r] of God and the hono[r] and wellfare of yo[r] Lo[pp] and this Province doe Complaine and Shew th[t] the said Majo[r] Thomas Truman late Comander in Cheif vpon an Expedicōn ag[t] the Indians at the Susquehannough forte hath by many and Sundry Wayes and Meanes, Comitted divers and Sundry Enormous Crimes and Offences To the Dishono[r] of almighty God ag[t] the Law of Nations Contrary to yo[r] Lo[pps] Comission and Instructions and to the great endangering of yo[r] Lo[ps] peace and the good and Safty of yo[r] Lo[ps] province, according to the Articles hereafter mentioned, That is to Say

Wee finde upon the Reading Yo[r] Lo[pps] Comission & Instruccons and the Affadavids w[ch] we herewith Send to Yo[r] Lo[pp] & vpper house of Assembly and which we humbly submitt to your Lo[pps] examinacon and Serious Consideracōn

First th[t] the said Majo[r] Thomas Truman hath broken his Comi[on] and Instructions in this, That the said Majo[r] Thomas Truman haveing received Six Indians Sent out by the Susquehannoughs as Embassadors to Treat w[th] him on the Sunday after the arrivall of the Maryland forces, and received their pap[r] and Meddall by which wee finde th[t] they were received as friends and in amity with vs, and had liberty of goeing back

U. H. Journal original to the forte and were assured th^t noe intention of force was to be vsed ag^t them, and th^t noe damage should be done to them theire wives or Children, and that they did th^t night goe into the forte and the next morning did retourne againe with the like numb^r onely one Indian changed and Supposed to come on purpose to Treat & not in any hostile manner Yet the s^d Majo^r Thomas Truman w^thout Calling any Councell of Warre of yo^r Lo^ps offic^r vnder his Comand as he ought to have done did in a barbarous and Cruell manner cause five of the s^d Indians to be Killed & Murdered Contrary to the Law of God and Nations and Contrary to yo^r Lo^pps Commission and Instructions

p. 16 Secondly that he the Said Majo^r Thomas Truman ought according to yo^r Lo^pps instructions To haue acquainted your Lo^p before he Caused the Said Indians to be Executed for your Lo^ps advice and directions in th^t Case which [we] doe not finde he did

[Las]tly that he hath broken yo^r Lo^pps instructions in this [alsoe] That if the Virginia offic^rs did advise and Consent to [the] Killing of the Said Jndians th^t he did not in an open [Coun]cell of Warre Cause the Same Judiciously to be [en-t]ered in Writeing by his Clerk or Secretary and Such the Virginians Consent and desire for the doeing thereof to be Signed vnder theire hands to be kept for Justification of himself and the people of this Province.

Therefore for That by the Said Article it appears That the Said Majo^r Thomas Truman hath broken his Comission and Jnstructions in Murthering the s^d Indians To the dishono^r of God and of yo^r Lo^pp & this Province, They humbly pray th^t your Lo^pp & Upper house of Assembly will Take Such order With the Said Majo^r Thomas Truman as may be Just and Reasonable in Terro^r of others to be Warr of Such Offences ag^t your Lo^p for the future, And You^r Lo^ps most humble and obedient Servants as in all duty bound Shall daily Pray for yo^r Lo^pps long and happy Dominion over vs &c

Lower house May the 22^th 1676

The Comittee haveing drawne Up the above the above Jmpeachm^t ag^t Majo^r Thomas Truman and p^rsented to this house for their further Consideracon put to the Vote Whether the Said Jmpeachm^t Shall be transmitted to the Upper house as the Comittee have drawne it Yea, or Noe.

Voted th^t it be Transmitted To his Lo^pp and upp house as it is drawne by the Comittee Together With all the Depositions Relateing thereto annexed to it

Signed by ord^r of the house
Robert Ridgely Clk of the
Low^r house of Assembly

The house is adjowrned Till 10 a Clock on Tuesday Morning

U. H. Journal original p. 17

On Tuesday the 23th day of May 1676

The house met

The house adjowrned Till one of the Clock

The house mett at one of the Clock [in] The afternoone

Present The Honoble Chancellor Secretary and Surveyr Genll and Coll Jesse Wharton

Whereas Capt Quigly brought into this house the Act for Building the State house and prisson at St Maries and desires to know what manner of Windowes this house will haue for the prisson This house upon debate thereof doe think fitt tht the Windowes be of Wood with Substanciall Iron barres and tht the wood of the frame of the Windowes be layd in Oyle, alsoe made Soe large as to lye into the brick worke two foot and a half of a Side both above and below the Windowes to be twenty Inches Wide and thirty Inchs high Three Jron Barres Upright and two a thwart the upright Jron barres to be Jnch and quartr Square and To be Wrought into the two thwart Barres and tht there be two Windowes belowe and one Windowe of Wood above, The Lower house desire the Upper houses Concurrence in This Vote

Lower house 23 May

Signed &c

The Upper house do Readily Concurre in This Vote

Signed &c

Read once

Read an act for punishmt of a Certaine abuse Comitted by Henry Ward of Cæcill County gent agt the Right Honoble The Lord Proprietary and the publick and the Same ascented to by This house

Signed &c

Read againe the act for Secureing Merchants and others Tobaccoe after they have received it and the Same passed this house With the alteracon before [de]sired by this house

p. 18

Signed &c

Read the 3d Time the act agt the Jmportacon of Convicted ffellones into this province With the amendment [D]esired by this house and the Same passed this [hou]se.

Signed &c

U. H. Journal original

Read 2d Time Read the 2d time the Act Relateing to the Seizure of Tobaccoe by the Sheriffs and the same asscented by this house

Signed &c

Read once Read a bill Entituled an act for the Easment of the Inhabbitants of this province in Suites of Law for Small debts and Voted to be read the Second Time

Read once Read a bill entituled an Act for the Constables Take-ing the lists of the Taxables and Voted to be Read the Second time

The house is adjowrned till 10 of the Clock Tomorrow Morning.

On Wednesday the 24th day of May.

The house mett at 10 in the Morning

Present The Rt Honoble Lord Proprietary the Honoble Chancellour Baker Brookes Esqr Coll Jesse Wharton Coll Samll Chew and Leivt Coll Tho Taillor

The house is adjowrned for an houre

The house met in the afternoone

Present as in the Morning Together wth The honoble Secretary

Ordered tht Upon Complaint made Agt Wm Boydon of
p. 19 Charles County by the puscattuway Jndians [tht] Colonll Jesse Wharton take good Security of [the said] Boyden for his Civell and Peaceable beh[aviour against the] said Indians and tht the Said Boyden Sh[all render] Such Satisfaction to the Said Jndians [for the Injuries] done them by him as Shall be by the [next Provincial Court] adjudged Reasonable.

Signed &c

This house desired the Lower house to Consider a peticon Exhibited to this house by Joe Tike an Indian Who hath been and is like to be serviceable to the English

Signed &c

Lower house May 24th Voted in this house tht it is Necessary and fitte tht the Said Indian have a Horse or Mare which he Shall Elect given him

Signed &c

Voted by the house tht Matchcoats Corne Powder and Shott be purchased and forthwith delivered to the friend Indians by way of gratification for the Services done by the Said Jndians

in the late Warre ag^{t} the Susquehannough Jndians, And th^{t} the s^{d} Matchcoats be distributed to the Number and in the Manner as followeth Viz U. H. Journal original

To Puscataway	80	To Mattawoman & Pamunkie	30
To Chapticoe	30	To Nangemy	10
	In all 150		

That powder & Shott be distributed to the quantity and in the Manner as followeth Viz

	℔ powder	℔ shott
To puscataway	30	100
To Mattawoman & pamunkie	15	50
	Powder 45	150 Shott

That Barr^{lls} of Corne be distributed to the Numb^{r} and in the Manner as followeth Viz p. 20

To Puscataway	70	To Matawoman & Pamunkie—	30
	100		

That Hostages be required from the friend Jndians [to] be delivered to the English in Number as [fo]llowеth Viz

From Puscataway	4	From Pamunkie	2
From Matawoman	2		

Lower house May: 24th 76:. It was proposed by a Member of this house Upon debate Upon an Act for ffees drawne up by a Comittee of both houses, That his Lo^{p} Would be pleased to Settle the Fees of the Chancell^{r} and to apporcō̄n how much the Chancello^{r} Shall have and how much the Secretary Shall haue for th^{t} as the Case now stands the Chancello^{r} and Secretary Claime both whole ffees for one and the Same Writt

Voted th^{t} his Lo^{p} be humbly requested to doe the Same and Transmitt an answer to this house th^{t} Soe they may proceed to pfect the Said Act

Signed &c

The house is adjourned Till
Tomorrow Morning

On Thursday May the 25th The house Mett

Present The Hono^{ble} Chancello^{r} Hono^{ble} Secretary Co^{ll} Sam^{ll} Chew Co^{ll} Thomas Taillor

The house adjowrned for half an houre

U. H. Journal original

The house mett

The house adjowrned for half an houre

The House Mett

p. 21 Read the first time the bill Entituled an Act for Preventing Unnecessary delayes of Execu[tions] and Voted to be read againe Tomorrow [Morning]

Read an Act for the Easment of the Inhabbi[ts] [of t]his province in Suites of Law for Small debts and [Voted] to be Read againe Tomorrow Morning

Read the first time the Act for the Constables [ta]keing the lists of the Taxables and Voted to be read again Tomorrow Morning

The house is adjowrned till
Tomorrow Morning at 10 a Clock.

On Fryday the 26th day of May: the house mèt
At 10 in the Morning

Present The Hono[ble] Chancello[r] Hono[ble] Secretary Collon[l] Jesse Wharton Co[ll] Sam[ll] Chew Leiv[t] Co[ll] Thomas Taillor

Came in an Jmpeachm[t] ag[t] Charles James w[th] Which are as followeth—

> To the Right Hono[ble] The L[d] proprietary of the province of Mary Land and Avalon Lord Baron of Baltemore &c.

Articles of Jmpeachm[t] against Charles James of Cæcill County exhibited by the Lower house of Assembly To The R[t] Hono[ble] The Lord proprietary and Upper house of Assembly

Your Lo[ps] true faithfull and obedient people the Burgesses and Delegates of this present Lower house of Assembly Constrained by the necessities of our fydellitie and Consience Complaine and Shew unto you[r] Lo[p] That Charles James Your Lo[ps] High Sheriffe of Cæcill County hath by divers Wayes and Meanes Comitted many high and greivious Offences Contrary to many good and wholesome Lawes in Such Cases provided and is perticularly Touched in These following Articles, Viz.

p. 22 Imp[rs] The said Charles Iames in the Lower house of Assembly When a Lawfull Oath was Administered by them to him did Wilfully corruptly and falsely Sweare ag[t] Abraham Wilde one of yo[r] Lo[ps] Justices of Cæcill County in Matters relateing to [his] Office of Administering Justice in the County Court of Cæcill

2[dly] That the said Charles James did threaten Tom prentice and perswade Thomas Bennet of S[t] Ma[ries] County [Rog]er

Larimore of Cæcill County and Edward Larmore [of] the same County To Subornacōn of perjury ag^t the Said Wilde in matters relateing to his Office of Comission^r of the peace for Cæcill County and in the County Courte, U. H. Journal original

3^dly That the said Charles James about the 4^th day of May 1676 Upon the person of Edward pinne of Cæcill County did make an assault and then and there by force and Armes one bagg of Writeings belonging to the Said Edward Pynne and others to the Vallue of 100000^l Tob did take and Carry away and the Same from him the Said Edward Still vnjustly deteyneth To the almost utter Ruine of the Said Edward, and the same refuseing to deliver did for the Same under Collour of his Office and a precept from You^r Lo^ps for the space of fifteen dayes falsely Jmprisson and restraine the Said Edward that in p^rsence of seav^ll persons in Cæcill County haveing some difference With the s^d Edw: pinn did utter These false Scandalous Seditious mutinous and Rebellious words That he the Said Charles James was now Lord Proprietary, Contrary to an Act of Assembly in that Case provided, As by the Affadavids and other papers hereunto annexed may appeare

By all which his falce and feined informations and evill practices and Speeches we humbly Conceave the Said Charles James hath most Egrediously abused Yo^r Lo^p and Your Lo^ps two houses of Assembly and the good people of this province

May it please yo^r Lo^p therefore out of y^r great goodnesse to the good people of this provice soe to order th^t the said Charles James may for the future be disabled to beare any publick Office or imployment, and also receiue Such Condigne punishm^t as the nature of Soe great Crimes Require

That Soe he may be a Tirrable Example To others of Offending Your Lo^pps good & Wh[olesome] Lawes for the future and in Soe doeing [We] Shall dayly pray as in duty bound for [Your] Lo^pps Long and happy Dominion over [us &c:] p. 23

Lower house of Assembly
May the 23^th 1676:

Voted Nemine Contradicente th^t this Jmpeachm^t As it is drawne up by the Comittee with the papers relateing thereto be p^rsented to his Lo^p and Upper house

Signed by order of the house
Robert Ridgely Clk of
The Low^r House of Assembly

This house have perused and Considered the bill entituled an Act for Security and defence of this Province and doe think the fine of 50^l Tob: is to little and this house thinke it were better to fine 100 for the first time 200 for the Second and 200

U. H. Journal original for every default after the Second and the Acco^{t} of those Fimes To be given to the Lord proprietary or his Cheife Gowern^{r} and Councell and Not to the Comissioners of any County it being inconsistent With his Lordships Hono^{r}

This house are of opinion th^{t} if the Lord proprietary cannot lay the Leavie for payment of the Charge of any Warr &c without the assent of one of the Delegates out of Every County &c as in this bill is Enacted, it is very unsafe for him to Raise any men at all Since those Delegates may Chuse Whether the paym^{t} shall be raised for the Souldi^{rs} and by that meanes The province must remaine Undefended

p 24 This house desire the Lower house To ascertaine the pay of the Horse Officers and of the Troopers as well as of the foot his Lo^{p} and his Councell haveing Judged it absolutely Necessary to have Regim^{ts} of horse as well as of foot, This house is likewise of Opinion that those Words (ag^{t} an apparent enemy) in the Clause for Offic^{rs} pay ought to bee left out for th^{t} Souldiers in Actuall Service ought to be paid Whether the Enemie appeare or not When there is Just Cause to Suspect any Jnvasion or Jnsurrection

This house likewise desire to have it declared Who are privilidged persons & exempted from Musters, and Likewise th^{t} Noe persons Shall be privillidged when by Speciall order from his Lo^{p} or from his Leivetenant for the time being they Shall be Comanded

Signed &c

Vpon reading the papers p^{r}sented by W^{m} Berry and others in behalf of the people Called Quakers this house doe Conceave it utterly unsafe for the L^{d} Propriet^{r} to make any Law in this province to exempt the people thereof from testifying vpon Oath and therefore thinke it Unfitt for this house to advise his Lords^{p} to Condescend to any Votes of either house of Assembly tending that way till he have advised with his Learned Councell in England

Signed &c

2^{d} time Read the 2^{d} the bill Entituled an Act to p^{r}vent Unnecessary delayes of Executions and the Same Ascented to by this house and Voted To be Engrossed

Signed &c:

Read the 2^{d} time the Act for Easment of the Inhabbi^{ts} of this province in Suites of Law for Small debts and the Same Ascented to by this house and Voted to be engrosed

Signed &c

p. 25 This house desires these Words in the Law for [the] Constables takeing the List of Taxables Viz (At [Such] time as

he Shall by the respective Sheriffes [be Ordered] thereunto) To be Alterd and in Stead [thereof that] these Words bee Added Viz (Some time [between] the 20th June and the first of July) [And this] house will then Consent to this Act U. H. Journal original

Si[gned] &c

This house cannot Concurre in Oppinion with the Lower house Voteing it unnecessary for Capt Allen to Range any Longer, first because the peace with the puscataways is not Rattified till the Hostages are delivered.

Secondly because we See the Woefull Condicon our Neighboures are in by Neglecting to make Certaine their owne Security by theire owne forces and depending Wholly upon the Jndians, And therefore desire the Lower house better to Consider Whether it be not yet Necessary Capt Allen to keept Rangeing Especially dureing the Sitting of the Assembly

Signed &c

Lowr house May 26 1676 Voted tht Capt Allens Troop Continnue Rangeing dureing this Sessions of Assembly and tht they have the same pay as the Souldiers had agt the Susquehannough forte

Signed &c

Ordered tht the Honoble Secretary be requested to acquaint Major Thomas Truman that his Witnesses Cannot be Sworne by this house To night

Signed &c.

Tomorrow Morning being the day appointed for the Tryall of Major Thomas Truman Jmpeached by the Lower house This house desire to know of the Lower house how they intend to proceed agt the Said Truman and that they Will Send theire Vote to this house this night With the Names of the persons who they intend shall Mannage tht Affaire.

Signed &c

[Lower house 26th May.] p. 26

Ordered tht the Attorney Genll Mr Robt Carvile Coll Wm Burges and Mr Wm Stephens Mannage the Jmpeachmt agt Major Thomas Truman at his Tryall

Signed &c:

The Lower house desireing tht the Orriginall Jmpeachmt agt Major Thomas Truman with the orriginall Depositions may be put in the hands of Such persons as the Lower house have Voted To mannage the Sd Jmpeachmt

The Honoble Secretary by order of this house did goe downe with the Said Jmpeachmt & Depositions

The house is adjowrned Till 10 a Clock To morrow Morning

U. H. Journal original

On Saturday May 27th The house mett in the afternoone

Prsent The Rt Honoble The Ld Proprietary The Honoble Chancellor and Secretary Colh Samll Chew Colh Jesse Wharton Coll Thomas Taillor

Major Thomas Truman haveing due Notice given him on Thursday last, To prepare for his Tryall this afternoon being Called did make his appeareance, and the articles of Impeachmt agt the said Major Thomas Truman being Read and after this The Seavll Depositions annexèd thereto wch alsoe were Sworne to by the Seavll and Respective Deponts in the prsence and hearing of the Said Major Thomas Truman Mr Kenelme Chisledyne his Lops Attorney Genll Mr Robt Carvile Collonel Wm Burges and Mr Wm Stephens According to a preceeding order of the Lower house did Mannage the Said Jmpeachmt and Urge the Seavll
p. 27 evidences agt the Said Major Truman And the Said Major by Mr Benjamin Rozier [his] Councell Assigned him did Confesse the Same and [Declared] tht the Said Major did noe way intend to St[and upon] his Justification After which Confession [and] declaracōn The Said Major by his Said [Council] did Humbly pray tht this house would [Admitt the] Reading of a Certaine paper Which the [said Major said] he hoped would Somewhat Extinuate & [Mitigate] the Crimes before by him Confessed Soe that they Should not appeare Soe greivous and Enormous as in the Said Jmpeachmt They were held forth to be And the Said Major Thomas Truman by his Said Councll was admitted to make his defence Whereupon and Upon full hearing on both Sides and after Reading of the Said Majors Comission & instructions from his Lōp and Councell it was put to the question Whether Major Thomas Truman be guilty of the Jmpeachment Exhibited agt him by the Lower house and Voted Nemine Contradicente that the Said Major Thomas Truman is guilty of the first Article of the Jmpeachmt for Comanding five of the sd Susquehannoughs tht Came out to treat With him to be put To death Contrary to the Law of Nations and the Second Article of his Jnstructions by Which he was ordered to entertaine any Treaty with the Said Susquehannoughs

Signed &c

Vpon Which Vote it was ordered tht a Messenngr be Set from this house to the Lower house to desire them to draw Up a Bill of Attainder agt the Said Major Thomas Truman

Ordered That Mr Swythnne Wells be hereby Jmpowred to Presse a Horse and Necessary furniture for Speedy and expeditious Service of the Countrey

Signed &c.

Ordered th^t^ Clement Hill high Shff of S^t^ Maries County be hereby impowered to presse Boate and hands and other Necessaries Whatsoever in order to the Transmitting Seaverall Runaway Servants from Virginia back againe to the Said Collony U. H. Journal original p. 28

Signed &c

On Munday the 29^th^ day of May at 10 a Clock in the Morning the house mett

Present The R^t^ Hono^ble^ The L^d^ Proprietary
The Hono^ble^ Chancello^r^ and Secretary, Baker Brookes Esq^r^ Colonell Sam^ll^ Chew Co^ll^ Jesse Wharton Leivetenn^t^ Co^ll^ Thomas Taillor

Read a Peticon Exhibited to this house by Leive^t^ Coll: Thomas Taillor and the Same Ascented to by this house and the Concurrence of the Lower house desired therein

Signed &c

Read the Seav^ll^ Acts following viz The Act for Easement of the Jnhabbitants of this province in Suites at Law for Small debts, The Act for the Constables Takeing the Lists of Taxables The Act to p^r^vent unnecessary delayes of Execution and all the Said Acts ascented to by this house

Signed &c

The house is adjowrned till 10 a Clock Tomorrow Morning

On Tuesday the 30^th^ of May. 76 The house met at 10 a Clock in the Morning

Present The R^t^ Hono^ble^ The L^d^ Proprietary The Hono^ble^ Chancellor and Secretary Baker Brookes Esq^r^ Coll Sam^ll^ Chew Coll Jesse Wharton. Coll Tho Taylor

Voted th^t^ the 3 Acts last mentioned be Sent downe To the Lower house To be Engrosed

Vpon Complaint made to this house by Andrew Insloe of Dorchester County Touching an Execution intended to be Served on him by Richard Meek[ins] of the s^d^ County It is thought fitte by this house that the s^d^ Execu[tion] be hereby Suspended and Superseded if already [issued] and [Thomas] Taillor high Sheriffe of the Said County is [required] to take notice hereof accordingly p. 29

[Signed &c]

U. H. Journal original Ordered that Morgan Jones be hereby impowered to presse Boate hands and other Necessaries for Speedy Sending a Letter to Collon[ll] Nicholas Spencer in Virginia

Signed &c

Ordered th[t] Notice be given To Charles James to prepare himself For his Tryall Tomorrow Morning

Signed &c

Voted th[t] Notice be given To the Lower house th[t] Charles James is to come to his Tryall Tomorrow Morning and to desire them to acquaint this house Who shall be imployed by them to Mannage the Said Impeachm[t]

Signed &c

Ordered th[t] Phillip Saunders be Sent for to attend this house in pursuance to a Peticon exhibited by Majo[r] Truman for that purpose

Signed &c

Voted by this house th[t] a message be Sent to the Lower house desireing them to appoint a Comittee to Sitt upon publick acco[ts] and to acquaint this house Who are to be the Members thereof that this house may order Some of theire Members [to] Joyne w[th] the Said Comittee

Signed &c

Lower house May 30th 76 Voted by this house th[t] the Attorney Gen[ll] and Coll W[m] Burges Mannage the impeachm[t] ag[t] M[r] Charles James

Signed &c

Coll. Burges Coll Brookes M[r] Hall M[r] W[m] Stephens Majo[r] Jn[o] Douglas and Cap[t] Henley appointed to Joyne with such memb[rs] of the upper house as they please to appoint to be a Comittee to Regulate publick Acco[ts]

Signed &c

p. 30 Ordered th[t] Thomas Winne door Keeper be hereby impowered to Presse a Boate with Necessary furniture for Signification of the Comands of this house

To James Ringold That he forthwith attend this house

Signed &c

The house is adjowrned Till 10 a Clock Tomorrow Morning.

On Wednesday the 31th of May The house met U. H. Journal original

Present The Rt Honoble Lord Proprietary The Honoble Secretary Baker Brookes Esqr Collonll Samll Chew Collonll Jesse Wharton Colll Tho: Taylor

Vpon reading the Act for the Defence of the Province this house tooke into Consideration the Clause for Raiseing of the Tobaccoe to defray the Charge of the Warre and desire the Lower house to explaine theire Meaning in those Words, Provided tht at the Laying of any Leavie for Defraying the Charges of any Such Warre &c doe call to theire assistance and to give theire ascent &c one of the Delegates &c. Because this house Cannot beleive tht the Lower house intend tht a part of the Assembly should have power to Controwle an act of the Whole Assembly or tht the Lower house should Comitt the power of the Whole Lower house To a Comittee agt the Law and Customes of Assemblies But if the Lower house doe intend onely tht his Lop. &c Should Call one of the Delegates &c to See tht the Leavie Soe to be Raised be imployed for defraying the Charge of the Warre and To noe other end.

This house will further Consider of the Said Act and Therefore desire the answer of the speedy Lower house in This the most important affaire of this Assembly

Signed &c

Lowr house 31 May This house doe declare tht theire intent and meaning p. 31 is That one of the Delegates Shall be Called every Yeare at the fall to be prsent at the Laying of the Leavie to Se tht the Tobaccoe Soe to be Raised be imployed for defraying the nece[ssary] Charge of the Province and To noe other [use] and tht the Law be terminated at 3 y[ears or to] the end of the next genll Assembly [which] Shall first happen.

Signed &c

This house tooke further into Consideration that part of the bill Entituled an Act for the defence of the province relateing to the pay of Souldiers and Upon debate finde it Absolutely Necessary tht Some horse be maintained in this Province it being found tht a Troope of horse can March with greater Security and lesse Charge then 200 foot and therefore are of Oppinion that there ought to be 30l Tob allowed p Diem for every Trooper tht Shall be Comanded out agt the enemy to Range he finding himself Provission and onely 20l Tob p diem, when he Marches with the foot and is allowed provissions with the foot at the Countreys Charge

And it was further Considered tht in the last Warre all psons were much unsatisfied with the way of Raiseing provisions and other Necessaries for the Warre and therefore this house desire the Lower house to Consider of a More equall Way of Raise-

U. H. Journal original ing the Provissions and other Necessaries for a Warre and Quæries wheth[r] it be not better th[t] every House holder provide & Send Soe much provission as will maintaine all all those men that are Pressed out of his house for one Month and Soe from Month to Month

Or That every Householder throughout the Province procure and send Soe much provission and other Necessaries as shall be agreed upon by an equall assessment Upon all the freemen of the Province

Signed by ord[r]
Richard Boughton Clke
of the Assembly

p. 32 Upon Consideracon of the Message Sent from the Lower house Relateing to the Chancellors & Secretaries fees This house desire th[t] a faire List of the Said fees as now Settelled by his Lordship be drawne out and p[r]sented to his Lo[p] to Signe and th[t] then the Lower house will Cause an act ag[t] Extorcōn to be Drawne as in the s[d] paper is Desired

Signed &c

This House doe desire the Lower house to Take the Law for Orphants estates into theire Consideracōn for th[t] The Commission[rs] of Some County Courts are found to be omissive of theire duty touching That Law.

Signed &c

This house doth not know any way of graunting the peticōn Exhibited by the Jnhabbitants of S[t] Georges and poplar Hill but by Settling the Land in the Mayor Recorder and Aldermen of the Citty of S[t] Maryes and their Successo[rs] Who being a Corporation are thereby Capable of Receaveing the graunt to the Uses intended

Signed by Order
Rich Boughton Clk
of the Assembly

The house is adjowrned
Till 10 of the Clock
Tomorrow Morning

On Thursday June the 1[st] The house mett

Present The R[t] Hono[ble] the L[d] Proprietary
The Hono[ble] Secretary and Surveyo[r] Gen[ll]
Coll Sam[ll] Chew Coll Jesse Wharton Co[ll] Tho[s]
Taillor

Lowr house The last paper from the Upper house touching the Act for defence of the province being read in this house Voted in this house th[t] horse are Necessarie and th[t] noe per-

sons are sent out on horse back but Such as are owners of the horse th^t they have 20^l Tob ꝑ day and noe more and th^t they find themselves provission When they are Ranging but when they are with the foot to be found Provission by the Publick U. H. Journal original

And that if a horse be killed the owner to be paid for him by the publick but if lost nothing to be payd for him p. 33

To the last three Articles th^t his Lo^pp or the Governor for the time being (upon any Occasions to p[ress Provi]sions) Will please to appoint two Sufficient psons in every hundred to impresse all Ma[nner of] Provissions and other necessaries for the [Supplying] any partie by his Lord^p Sent out accord-[ing] as [his] Lord^p Shall thinke fitt and th^t the Respective Sh[ffs] and other Officers to be assisting to such presse Masters

Signed &c

Charles Iames haveing due notice given him to prepare for his Tryall this Morning being Called did make his appeareance, and the Articles of impeachm^t ag^t the Said Iames being read and after this the Seav^ll Depositions thereto annexed w^ch alsoe were Sworne to by the Seaverall and respective Deponents in the p^rsence and hearing of the Said Charles James, M^r Kenelme Chisledine and Coll W^m Burges according to a preceeding order of the Lower house, did manage the said impeachm^t and vrge the Seav^ll Evidences against the Said Charles James,

Whereupon This house doe Judge it fitte that Charles James be disabled to beare anie publick office or Jmployment and have therefore desired his Lo^p to Call in the Said James his Comission for Shff of Cæcill Countie Which his Lo^pp hath accordingly done

Signed by order
R: Boughton Clerk of
The Assembly

Low^r house June the 1^st 1676 This house are very well Satisfied with the p^rceedings ag^t Charles James, not doubting but being disabled to beare any publick Office, The Said James Comission for Coroner and Deputy Survey^r will be Voyd

Signed by ord^r of The house
Robert Ridgely Clke of the
Lower house of Assembly

Low^r house [31] May This house is of oppinion th^t not knowing what his Lo^pp will Settle for fees to his Officers they Cannot draw Up Lists for his Lo^ps Assent but they humbly Conceave it will be more fitte for the Said Officers to get the Same drawne out (this house haveing Sent Up all Lists of ffees that were in this House) and Humbly request his Lord^p to send the p. 34

U. H. Journal original said Lists (When Signed by his Lordp) To this house that soe This house may draw up an Act agt Extorcōn and prsent it to his Lop and Upper house for theire Consideracōn

Signed &c

Upper House of Assembly Iune the 1st 1676

Then was taken into Consideracōn the bill of Attainder of Major Thomas Truman Sent up from the Lower house Yesterday, and upon Serious Consideracōn thereof and Debate thereupon This house doe Judge That the act drawne up agt Major Truman does in noe wise answer or Justifie the Jmpeachmt Upon wch it was grounded for tht in the Said Impeachment the said Truman Stands Charged of Crimes Comitted against the Lawes of God Nations this province as alsoe agt the Comission and Jnstructions given him (Viz) for the barbarous Cruelty in Causeing to be put to death, and Murdering the five Indians of which he being found guilty, the punishmt prescribed and assigned in the said act of Attainder does noe wayes agree with nor answer the nature of tht offence It being greatly dishonourable, as well as unsafe and dangerous To lay any fine in Such Cases and Where Such horrid Crimes haue been Comitted

That the Lower house of Assembly haveing layd the Impeachmt Soe high (though as it is Conceaved) noe higher then the nature of the Crime well deserved, it will be much Wondered by those who shall heare and view our proceedings thereon what shall be the Cause why the Same hath been past over with soe Slender and Sleight a punnishmt being noe more then what Crimes of a more Inferiour nature might have deserved That by this act of Attainder the Governmt will not suffitiently be Cleared, nor have it made appeare to the World how much the wickedness of tht accōn is detested and disowned by vs nor in any sort will the Lower house of Assembly make out tht great Sense wch in theire impeachmt they have exprest
p. 35 to have of tht Action And (wch very much Concernes the Jnterest and Safety of the Government) it will not give any Satisfaction to the Heathens, With whome the publick ffaith hath been broke, and Untill Such Actions are [in a] more publick manner disowned tht the Jndians may take notice thereof It is not to be expected tht any faith or Creditt will be given to any [Treaties] We Shall haue with them Which in thi[s Dangerous] Juncture of affaires the Country will Stand in [need of] and on which we must in some measure depend on as the Lower house of Assembly were of oppinion When they Sent the paper in answer to Capt Jno Allens Longer Rangeing

That if Crimes of soe high a nature Shall deserve noe great^r^ punnishment, then what is inflicted by that Act, Offences of a Lower nature will not require any, and by this meanes and through Such proceedings as these, noe Comissions Instructions, powers and directions for the future will ever be Observed, and to noe purpose will it be to thinke to tye Up any Officer by Such hereafter, and Soe all Authority will become Rediculous and Contemptible Jn fine by this Act the Lower house of Assembly will have owned the Actions of the Said Truman more then (as they ought to haue done) detested and abhorred them and Soe Render the Governm^t^ Odious To all people that Shall become Acquainted with the proceedings U. H. Journal original

Signed by ord^r^
Lower house June 2 1676 Rich Boughton Clk of the Assembly

This paper being read in the Lower house and the Debate Reassumed in this house touching the Said bill of Attainder, and Voted Nemine Contradicente that the Said Majo^r^ Truman for his Crime does not deserue death in Regard th^t^ Seav^ll^ Circumstances th^t^ appeared at his Tryall doe extinuate his Crime very much, as the Unanimous Consent of the Virginians and the gen^ll^ Jmpetuosity of the Whole feild as well Mary-Landers as Virginians upon the Sight of the Christians Murdered at M^r^ Hinsons, and them very Indians that were there Killed being proved to be murderers both of them and Seav^ll^ other Christians And in Regard alsoe th^t^ it appeares to this house th^t^ the Said Crime Was not maliciously perpetrated or out of any designe to Prejudice the province, But meerely out of ignorance and to p^r^vent a mutiny of the Whole Army as well Virginians as Marylanders Wherefore This house doe not think fitt to Recede from theire former Vote p. 36

Signed by ord^r^ of the house
Robert Ridgely Clk of the Lower house of Assembly

The house is adjowrned till 10 a Clock To morrow Morning

On Fryday June the 2^d^ the house met

Present The Hono^ble^ Chancellour Secretary & Survey^r^ Gen^ll^ Coll Sam^ll^ Chew Coll Jesse Wharton Coll Tho Taylor

This house tooke into Consideration the many benefitts th^t^ have acrued to this province by the Continuall Rangeing of our horse men and therefore desire the Lower house to consider th^t^ noe neighbour Jndian will attempt any thing to the

U. H. Journal original prejudice of the people here untill they shall have removed theire Wives and Children out of the danger of our forces and th[t] by our Souldiers Rangeing they will either be kept Soe much in awe as not to dare to Remove or Else our Sould[rs] will or may finde when and whether they doe Remove, and therefore Voted th[t] these theire reasons Together with the Peticon of the People Inhabbitting the ffresshes of Petuxon River be transmitted to the Lower house and doe desire them to Concurre with this house in a Vote to allow the horse men th[t] Shall Range 5[t] Tob more p day towards paying for theire provissions

This house tooke into Consideracōn the bill left upon the Journall of the Assembly dated Iune the 6[th] 1674 Entituled an act for Confirmacōn of his Lo[ps] graunts notwithstanding any omission of Recorde, And thereupon a Member of this house presented a draught of a proclamation drawne by Expresse order of the R[t] Hono[ble] The Lord Proprietary in order to the quietting the possessions of Such people who Seek To be Releived by the Said bill

p. 37 And upon Reading the Said Proclamation this house doe Conceave th[t] the Said Proclamation will Sufficiently answer the end of the Said bill and Voted the Said Proclamation be Sent to the Lower house in answer to th[t] part [of] the message or paper Sent from the Low[er] house Which Relates to the Said bill and dated the first Jnstant

Signed [&c.]

Came in certaine Erro[rs] assigned by In[o] Edmundson and Mary Tilhman Exēcutx of Rich Tilhman decd ag[t] the Record and proceedings and Iudgem[t] of the Prov[all] Court of the R[t] Hono[ble] The Ld Proprietary in a Cause depending there between Iohn Quigly Plantff and the Said Mary Tilhman Executrix of the Said Richard Tilhman decd and John Edmundson Def[ts] Upon a Scire facias Sued ag[t] them as Suretyes of Ralph Blackhall upon an action of acco[t] at the Suite of the said Jn[o] Quigly against the Said Ralph Blackhall Ordered thereupon th[t] the Said Quigly have a Coppy of the Said Erro[rs], and th[t] he prepare himself to plead To the Same Tomorrow

Came in a Peticōn Exhibited by Giles Stephens ag[t] Charles James for Releife ag[t] the Said James his Omission of retourning his Certificate of Survey vpon a Warr[t] obtained by the Said Giles for 300 Acres of Land bearing date the 20[th] of August 74, and Surveyed by the Said James by vertue of the Said Warrant and upon hearing on both Sides it is Considered here th[t] the Said James doe forthwith retorne the Said Certificate of survey to the Secretaries Office and Satisfie the Costs and charges expended by the Said Giles Stephens in Seaverall Journeys to S[t] Maries about the Said Businesse

An accō of Charges Expended by Giles Stephens in Endeavouring to procure a Graunt for two percells of Land Surveyed by Charles Iames upon Which the said Iames never Retourned a Certificate U. H. Journal original p. 38

To Comeing and Returning from Baltemore County To the Secretaries Office to Search p Certificate in Augst 7 dayes in March 7 dayes in May and June 18 dayes in all 32 dayes at 30^{l} Tob p day amounts To		630
Memd that Cost by the Clerk within Proved [Count]	To the Clerk of the Upper House	164
	To the Door Keeper	030
	Secretaries fees for Searches	012
	Drawing the peticon	050
	Drawing the bill of Charge	016
Allowed 912 Tob	Signed &c	942

Signed by Rich Boughton
Clk of the Assembly

The house is adjourned till 10 of the Clock Tomorrow Morning

On Saturday June the 3^{d} the house Mett

Present The R^{t} Hono^{ble} The Lord Proprietary The Hono^{ble} Chancellō^{r} Secretary and Survey^{r} Gen^{ll} Collon^{ll} Sam^{ll} Chew Collon^{ll} Jesse Wharton Leiv^{t} Co^{ll} Thomas Taillor

Lower house June 2^{d} 76 Vpon Reading the Message touching the proclamacōn above mentioned Ordered th^{t} the Same proclamation be entered Upon Record in the Iournall of this house and this house is well Satisfied th^{t} the said proclamacon is Sufficient Answer to all things that were provided for in the Act for Confirmacōn of his Lord^{ps} graunts notwithstanding anie Omission of Record.

Wherefore ordered th^{t} the Humble thankes of this house be p^{r}sented to his Lord^{p} for his noble favour to the Jnhabit^{ts} of this his Lord^{ps} province in graunting the s^{d} gratious proclamacon & Humbly to desire in regard of the p^{r}sent troubles there may be a yeare more allowed then is in the Said proclamacōn. Alsoe th^{t} Coppies of the Said proclamacōn Under the great Seale of this province may be sent to every Respective County with the Coppie of the Lawes made this Assembly

Signed by ord^{r} &c.

In answer to the paper from the Lower House Read the 2^{d} of June touching the bill Entituled an act of Attainder. His Lo^{p} and this house doe Conceave it not Safe for them To Vote the p. 39

U. H. Journal original Killing of the five Susquehannoughs Embassadors noe Murther, for to them [and] all the world it does and will Certainely appea[r the] greatest that ever hath been Committed

That the Unanimous Consent of the Virginians (if true) does noe wayes alter the nature of the Crime, nor Since the said Truman had Jnstructions plaine enough to haue made him abhorred and abominated Soe black an Action Can as little Serve for an extinuacōn thereof, And Whereas in the Said paper for a further Extinuacon it is Signified, th^{t} the Majo^{r} To prevent a Mutiny of the Whole Army was Compelled & drawne to th^{t} action, This house are of another opinion for at the Said Trumans Tryall did to plainely appeare th^{t} his first Comands for the killing of those Jndians were not obeyed and th^{t} he had some difficulty to get his men To obey him therein and that after they were put to death not a man would owne to have had a hand in it but rather Seemed to abhorr the Act Which untill now hath been termed by all Persons Those th^{t} were the Executioners onely excepted the Most Execrable of Murthers

That the Crime was not Maliciously perpetrated as to Authority this house doth beleive, but th^{t} it was done Treacherously and that in it a great and Unheard of Wickednesse was Comitted by the Lower house Cannot be denyed, And whether by th^{t} action the Province Will not be Prejudiced and many English Murdered his Lord^{p} and this house Leaves to the further Consideracon of the Lower house noe way pressing them to Receede from theire Soe possitive Vote onely desireing them that they will take notice that what is now undone lyes at theire doores and not with us who are possitive in this, That his Lo^{p} and Upper house dare not and therefore Resolve not to proceed upon an act which onely beares the title of an act of Attainder, This paper was sent to the Lower house by Lieve^{t} Collon^{ll} Thomas Taillor

p. 40 Lowr house [2^{d} June] The paper touching the Rangeing of Horsemen With the peticōn of the Jnhabbitants of the Fresshes of petuxon River being Read and it being Put to the Vote Whether the Troopers bee allowed 5^{l} Tob more p day Yea or Noe Voted in the Negative

Signed &c

3^{d} June Jn answer to the Message Yesterday from the Lower house Touching the bill entituled an act Prohibiting Amunicōn to be Sold given or lent to the Indians,

This house are of oppinion th^{t} noe English man in This Juncture will Sell the Jndians Armes or Amunition and th^{t} to Passe this Act will but give the English an oppertunity to tell the Indians we have prohibited the Sale of of Armes &c To

them by which we Shall Create in them Jealousies to the prejudice of our p^r^sent peace, And Therefore Lay The bill a Side U. H. Journal original

Signed &c

Came here by ord^r^ of this house Yesterday Jn^o^ Edmundson and Mary Tilhman plantifes and Jn^o^ Quigly Def^t^ in a Writt of Erro^r^ here depending in this house and Recited hereabove and the Said Writt of Error Together With the Record and proceedings relateing thereunto as also the erro^rs^ Assigned thereupon by the pltfe being read together w^th^ the demurrer of the defend^ts^ thereto This house will advise vpon the Iudgem^t^ to be given Thereupon Till Tuesday next On Which day the Parties on both Sides are to attend this House

The house is adjowrned
Till 10 of the Clock
On Tuesday Morning

On Tuesday at 10 a Clock the house met p. 41

Present the Hono^ble^ Chancello^r^ Secretary & Survey^r^ Gen^ll^ Collon^ll^ Sam^ll^ Chew Collon^ll^ Jesse Wha[rton] Leiv^t^ Collon^ll^ Thomas Taillor

The house is adjowrned Till 10 a Clock
on Wednesday Morning

On Wednesday June the 7^th^ The house met

Present The R^t^ Hono^ble^ The Lord Proprietary The Hono^ble^ Chancellor and Secretary Collon^ll^ Sam^ll^ Chew Collon^ll^ Jesse Wharton Leiv^t^ Collon^ll^ Thomas Taillor

The Survey^r^ Gen^ll^ ent^rs^ the house

Ordered th^t^ M^r^ Henry Adams Majo^r^ W^m^ Boareman and M^r^ Benjamin Rozier be impowered to examine the King of Mattawoman Touching the Indian Prissoners Lately apprehended and delivered by him to Cap^t^ Allen as alsoe to Urge the Said King of Mattawoman to examine the Said Prissoners by Such or the like questions or Jnterrogatories hereafter following th^t^ by Such Examination they the said M^r^ Addames &c may fully Satisfie Satisfie themselves touching the Jntent and designe of the Said Prissoners Comeing over into this Province, and thereupon May with all Speed Transmitt theire Reporte thereof to his Lords^p^ and Councell under theire hands Who may thereby be able to Judge Whether the Said Prissoners be deserving of Death Yea or Noe and to take Speedy order Concerning them

Signed &c

U. H. Journal original

The Interrogatories Viz

1st—Whence did the said prissoners Come

2dly What doe the Said prissoners prtend to be the end designe of theire Comeing into this Province

p. 42 3dly Did they come Voluntarily or not

4—Who did take or Apprehend the said Jndians

5 Doth the King of Mattawoman Judge them to be friends or to Come as Spyes and for Some evill intent

The House is adjowrned for an houre

The House Met

6ly Whether the said Jndians are of this Province and To what Townes they belong how long they have been absent, and where they have been

7ly What numbr the Enemy doth Consist of from wch the sd Prissoners Came and whether the Said Enemie be inforted or where at present they are Resident and who are theire Confederates and what is theire Designe

Ordered alsoe that there be Such and Soe many of the Neighbouring Indians of the Seavll nations prsent at the Said examination as Shall be thought fitt to Satisfie and assure the said Neighbouring Indians tht noe Wrong or Jnjustice shall at the prsent or for the future be done them

Came here by order of this house on Saturday last Jno Edmundson and Mary Tilhman Executx of Richard Tilghman decd pltffs in the Writt of Erorr here depending agt Jno Quigly Deft and The Defts Demurrer to the errors assigned being fully argued on both Sides it was found that there was a misprision of the Clerke in entering of the Speciall Bayle given by Blackhall in the Provall Court and this house being of opinion tht the Said misprision might have been amended in the Provall Court it Self by the Judges there within a certaine time, It was ordered here tht the Record be brought into this house to be amended in point of speciall Bayle aforesaid which was done accordingly and therefore it is Considered here tht the bayle be discharged, the parties Dismissed each paying theire owne Costs and tht nothing of this Proceedings be intended to destroy the Judgemt in the Provall Court agt The Principall Blackhall

The house is adjowrned till 10 of the Clock Tomorrow Morning

Signed by order
Richard Boughton Clk
of the Assembly

On Thursday June the 8th 1676 U. H. Journal original p. 43

The house Mett

Present The Honoble Chancellor and Surveyr Genll Collonll Samuell Chew Collonll Jesse Wharton, Leivt Coll Thomas Taillor

This house doe desire the Lower house to appoint Some of theire Members to Ioyne with Two Membrs of this house to view the State house and Prisson erected by Capt Jno Quigly in persuance of a Peticon Exhibited by the Said Quigly to this house for prevention of any defect in the sd Buildings

Signed &c

This house desire the Lower house to Joyne wth this house in a request tht the prissons by his Lordps order may have Keepers appointed for them and that then all Shffs may be obleiged to Carry theire Prissonrs To the Said prisson that they may there be kept in Sure and safe Custody, That Soe Criminalls may receive Condigne punnishment and Credits may have theire debts surely payd or the Bodies of theire debtors duely restrained according to the Law of England

Signed &c

Ordered tht the Honoble Secretary and Coll Jesse Wharton be appointed to Joyne With the Membrs of the Lower House Who are ordered to view the State House and Prisson

Lowr house 8 June 76 This house doe Concurre with the Uppr house in the Vote hereabove touching Jaylors & Keeprs of Prissons &c

Came To this House a Peticon Exhibited to his Lordp by The Lower house Which is as followeth Viz

To the Rt Honoble Charles Ld Baltemore absolute Lord and Proprietary of this Province of Mary Land &c p. 44

The humble Peticon of the Cittizens & deputies of the Lower House of Assembly

Humbly Sheweth To Yor Lop

That we your Lops humble Servants well knowing tht it is yor Lops Prerogative to Call what number of Delegates or Deputies To a genll Assembly out of the Respective Counties as your Lordp shall think fitt to Summons by your Writt But Since there were fower Deputies or Delegates elected by your Lordps Comand in every County, but two of which were called by your Lordps Writt to Sitte at this Assembly by which meanes Some of the Jnhabitants of this Your Lordps Province Seem dissatisfied and that they have not theire free Vote, Wee your

U. H. Journal original

Lord[ps] faithfull and humble serv[ts] humbly pray for the future To prevent all discontent touching the Same That your Lo[p] would order a Certaine number to be elected in every County, And th[t] every person Soe elected may be Called to serve as a Member of this house by your Lord[ps] Writt and in Case of the death or Removal to any office of any Member for the future new Writts may be Issued ffor the Jnhabitants of such Counties th[t] the deceased or removed Memb[rs] were Delegates for To elect new ones in theire Stead Which Said psons soe newly Elected may likewise be sent for by your Lo[ps] Writte Soe th[t] for the future the Members of this House may be the full Choice of the people

Signed &c

Upon perusall of this Peticon We have Considered th[t] to graunt This peticon is to make voyd the Declaracon of our dec[d] ffather Relateing to the Settlem[t] of Assemblies, But yet have Resolved to graunt it but doe declare th[t] we shall for the future exact th[t] every member of Assembly hereafter to be elected Shall at his Enterance and before the Election of the Speaker Take the Oath of fidellity To us our heires and Succesors and th[t] the Delegates now alreadie elected to this Assembly and Omitted to be Called To this Session Shall at theire enterance into the House of Assembly Take the like Oath

Signed by his Lord[p]

p. 45

The house is adjowrned till 10 of the Clock Tomorrow Morning.

On Fryday June the 9[th] The House Mett

Present The Hono[ble] Chancello[r] Secretary and Survey[r] Gen[ll] Colon[ll] Sam[ll] Chew Col[ll] Thomas [Taillor] Collon[ll] Jesse Wharton

Low[r] house June 9[th] 1676

Voted Nemine Contradicente th[t] noe Memb[r] of this house nor the Clerke of this house Shall attend the Prov[all] Court dureing this Sessions of Assembly

Signed &c

The house is adjowrned Till 12 a Clock

The house mett

Present The Hono[ble] Chancello[r] and Survey[r] Gen[ll] Collon[ll] Sam[ll] Chew Col[ll] Thomas Taillor

Ordered th[t] Major[r] W[m] Boareman doe purchase 150 Matchcoats and 100 Barr[lls] of Corne To be delivered to the Respective friend Jndians according to a preceeding order of this house

Signed &c

Lowr house 9 June 76 Voted thᵗ his Lordᵖ be petitioned by this house that the State house and Prisson be Reserved onely to the vse of the Country and thᵗ an acre of Land be reserved to each of the Said houses and That his Loᵖ and vpper house Would Condescend That an act may be drawne vp to Settle it accordingly U. H. Journal original

Signed &c

This house doe desire the Lower house to send up what Tempory Lawes they have Viewed thᵗ if any alterations be made To any of Said Lawes This house may haue time duely to Consider of the Same

This house doe Concurre With the Lower house in the above Vote touching the State house and prisson

Lower house 9 June The Comittee by Tomorrow Noone will pʳsent to both houses What bills are fitt To be Revived or amended p. 46

Signed &c

[Lower House]

Voted thᵗ the publick beare the Necessary Charges of the Assembly at Sᵗ Maries, and thᵗ it be not Charged to the particular Counties in regard thᵗ There is Two delegates out of each County and Some Counties have Treble the number of Taxables as others

Signed &c

This house will Concurre with the Lower house in the Vote for defraying the Charges of the Assembly provided thᵗ every Burgesse and Delegate of the Lower house bee allowed one hundred and fifty pounds of Tobacco ꝑ diem dureing the Assembly and noe more And thᵗ every Member of the Upper house be allowed 200ˡᵇ Tob ꝑ diem and noe more

Lowr house June 9th This house never did Intend to Stint the expences of the Upper house but thᵗ what they spent should be payd by the Publique, And thᵗ an allowance ꝑ the day to a Member of either house will be a great dissatisfaction to the good people of this province The house Conceaving that they will Suppose a Delegate to be a gainer by his Trouble, Therefore this house doe desire the Upper house further to Consider of this houses former Vote and to Concurre with This house in the Same

Signed &c

The house is adjowrned till 10 a Clock Tomorrow Morning

U. H. Journal original

On Satturday Iune the 10th The house met

Present The Rt Honoble The Ld Proprietary The Honoble Chancellor Secretary and Surveyr Genll Coll Samll Chew Coll Jesse Wharton Leivet Collonll Thomas Taillor

Lowr house Iune 10th 76

A member of this house proposeth that whereas the Rt Honoble the Ld proprietary hath Lived long amongst vs and from time to time done vs many pticular and signall favours Whilst onely his Fathers Leiveten Genll of this province and Since his death he being Lord Proprietary of this Province Now his Lordsp hath Continued his Wonted favours and Kindnesses to vs and in this very Assembly by many gracious Condescentions hath evidenced the Continuance of his favours to vs, Since th his Lops most important Affaires now Speedily Calls him for England Yet his Lordship hath been pleased to declare his Speedy Intentions of Comeing in againe and for that his Lordships Voyage Cannot Chuse but be very Chargeable to him and that his Lordship may Know we are heartily Sensible of all his noble favours and
p. 47 gratefully Accept them Whether it is not necessary that we prsent (as a token of our Duty, Love, fidellity and true respects to his Lop) all Such Tobaccoes as are now Remaining of the Countreys in his Lordships hands Yea or no

Voted by this house Nemine Contradicente that the Same Tobaccoe of the Countreys and now remaining in his Lordships hands be by this house prsented to his Lordship according to the within proposall And this house humbly desire his Lordships acceptance thereof as a token of theire unfeigned Love affection and Duty to him and desire the Concurrence of the upper house in the Said Vote,

Signed &c

This house Concurres wth the [Low]er house in the Said Vote

Signed &c.

Read thrice the Act for the Setleing the Inheritance of the Reall estate of Robert Cager as alsoe his personall estate Upon The Mayor Recorder and Aldermen of the Cittie of St Maryes and theire Successors to the Uses in the Said Robert Cagers will mentioned, And the Same passed by this house

Read the Act Concerning Ordinary Keepers and the Same passed by this house

Read the Act Concerning Ordinary Keepers and the Same Passed by this house

Lowr house 10 June

Proposed by a Member of this house that whereas this house hath in Some Small measure

Demonstrated their gratitude to the Lord Proprietary for his many Signall favours and benignity Conferred on this house for the Universall utility of the good people of this province by a Vote passed this house this Morning, in relation to the publique Tobaccoe in the possession of his Lordp, That as a more ample acknowledgment of his Lops paternall respects to his good people and a further demonstracon of theire Jndelible Loyalty fidelity and Love to his Lordship and his Successors It may not be necessary this prsent Session of Assembly to enlarge the Act for the Jmposition of 2sp hogshd by graunting and Continueing it for the naturall Life of the Honoble Cæcillius Calvert Sonne and heire apparent to The Lord Proprietary after his Lordships Death Yea Or no. U. H. Journal original

Put to the Vote according to the above Proposition

Voted by the Major part that the Said Act be enlarged according to the Said proposall and be prsented To the Vpper house for theire Concurrence herein

Signed &c

This house doe Concurre wth the Lower house in the above Vote

Signed by Rich Boughton
Clk of the Assembly

This house doe Concurre with the Lower house on theire Vote that the whole Charge and expences of the Assembly shall be defrayed by the publique and noe part thereof to be charged to the particular Counties as formerly p. 48

Lowr house 10 June Voted tht Richard Swetman Carpenter be payd at the makeing up of the Leavie for what Extraordinary Worke (more then Capt Quigly is bound to by Act of Assembly) That he Shall doe aboute the Gate and doore Case of the State house

The Upper house doe Concurre herein

This house upon perusall of theire owne Journall do finde tht This house did not referr it to the Consideracon of the Lower house what punishment Major Truman deserved but orderred tht a Messenger Should be Sent to the Lower house to desire them to draw up a Bill of Attainder agt the Said Truman (which, When the Lower house Shall thinke fitte to draw up) this house (as in the last paper they promissed) will proceed upon

Read the Act Touching Coopers and the Gage of Tob hhds And passed here

Read The act Relateing to Servts and Slaves and passed This house

The house is adjowrned Till 10 of the Clock
On Munday Morning

U. H. Journal original

On Munday June the 12th The house met

Prsent The Honoble Chancellor Secretary and Surveyr Genll Coll Samll Chew Coll Jesse Wharton Coll Tho Taylor

This house hath Considered of the message sent from the Lower house touching his Lops assenting to the Lawes to be made this Assembly & are of opinion that it is unseasonable to request his Lordship to declare whether he will Consent to Lawes in genll before we prsent him wth the pticular Lawes desired to be passed, But if the Lawes be first prsented to both Houses to be Considered it will give his Lordship alsoe time to consider them, Either as they are temporarie or intended to be perpetuall Respectively and then if they are temporarie onely may perhaps induce his Lop to passe them as probationers with lesse Consideracon, But if they are designed to be perpetuall must of necessity take Up more time then his Lops Departure out of this Province will permit duely to Consider
p. 49 them it being indeed utterly vnsafe for the people of this Province as well as for his Lordship, to passe any perpetuall Act til[l by] Councell Learned in the Law of England it have been du[ely] Considered As the Lower house in theire peticon Sent [to] his late Lordship well observed Wherefore this house desire the Lower house to Comunicate to vs the Lawes they have in Readinesse tht we may desire his Lop to end this Session

Whereas Capt Jno Allen hath represented to this house the great danger wch the Inhabbitants about Lewis Neck in Charles County are in by reason of the mischeife intended by Capt John and other Jndians to tht and other parts of the Province Ordered here tht a Message be Sent to the Lower house to desire them to advise of Some encourageing pay for Capt Allen and his Troope for the Security of this Province against the Said Jndians

Lowr house 12 June This house doe not thinke fitte tht any Troopr have above Twenty pound of Tobaccoe p day according to theire former Vote

Signed &c

In answer to the paper recd from the Lower house dated the 12th Jnstant Relateing to Major Thomas Truman this house doe say tht the bill is onely an Attainder in the title not in the bodie of the Act, That this house Cannot Consent to inflict a pecuniary punishment Upon a person who hath been acused by the Lower house of Murder and by this house found guiltie of the Same, And doe further say that it is against the privilidges of this house to presse this bill Upon them any further

Lower house 12 June Touching that Message receaved from the upper house on Saturday in relacon To Major Truman this house doe Say that in desireing them to draw up a bill

of Attainder ag^{t} Major Truman implyes th^{t} they were to Consider not onely of his Crime but his punnishm^{t} alsoe and therefore desire th^{t} his Lordship would be pleased to send an answer of this house's peticon to his Lordship in behalf of the Said Truman and to passe This bill of Attainder as it is drawne in this house This house Conceaveing th^{t} it is theire Undoubted priviledge not onely to Consider of his Crime but Punishment U. H. Journal original

Signed &c

The house is adjowrned till 10 a Clock Tomorrow Morning

On Tuesday the 13 of June p. 50

The House met

Present The R^{t} Honoble The L^{d} proprietary The Honoble Chancellour Secretary and Survey^{r} Gen^{ll} Coll Sam^{ll} Chew Coll Jesse Wharton Lieveten^{t} Coll Thomas Taillor

Vpon Consideracō̄n had of the list of the Lawes Sent from the Lower house The upper house doe Vote th^{t} a Law be drawne up for reviveing all those Temporarie Lawes th^{t} were Revived the last Assembly, Unlesse by Some new Law made this Assembly any of them be made voyd And th^{t} the rest of the Lawes be left to the Consideracō̄n of those Delegates and the Councill th^{t} Shall be Called downe to meet the Councell to lay the Leavie the first Munday in October next That Soe they may be Ready for his Lordships Consideracō̄n at his Retorne from England

His Lordship informeth the Lower house th^{t} upon Cap^{t} Allens first goeing out to Range according to the Comission Sent him his Lo^{p} did give him encouragem^{t} to beleive that the Assembly would allow his men 30^{l} Tob ^{p} day And his Lordship hopes the Lower house will thinke the Said allowance To be noe more then Reasonable for what is past and th^{t} they will Continue the Said allowance till the next fall dureing which time his Lo^{p} and the upper house doe think there will be a Necessity for the Said Cap^{t} Allens Rangeing p. 51

His Lordship doth give notice to both houses That he purposeth to break up the p^{r}sent Session On Thursday next

This House is resolved into a Comittee to Joyne with a Comittee of the Lower house for Inspection of the Lawes, and to advise of the Repeale or Continuance of the said Lawes

The house is adjourned till tomorrow Morning at 10 of the Clock

U. H. Journal original

On Wednesday June the 14th The house met

Present The Rt Honoble The Ld Proprietary The Honoble Chancellor Secretary & Surveyr Genll Collonll Samll Chew Coll Jesse Wharton Lievt Coll Thomas Taillor

Lowr house June 14th 76

A Member moves this house tht the Itenerant Charges of the Members of this Assembly may be borne by the Respective Counties and the Itenerant Charges of the Delegates that Come to lay the Leavie may be likewise borne by the Countyes, and that the said Delegates Charges whilst at St Maries to lay the Leavie might be borne by the publique

Voted tht the same be borne accordingly and tht the Comittee of Accots in the Act for the publique charge incert Such a Clause in the said Act

Signed &c

p. 52

Vpon Reporte made to this house by Mr Henry Adames Major Wm Boareman and Mr Benjamin Rosier Touching the Indians lately taken prissonrs ordered tht the Said prissonrs be forthwith released and delivered to the great men of the respective Townes To which the Said Prissoners doe belong and tht Strict Charge be given to the Said great men to Watch the Said Indians Egresse and Regresse

This house will Consent wth the vote of the Lower house touching the etenerary Charges of the Lower house Comeing to and goeing from this Assembly as alsoe of the Itinerary Charges of the Delegates Comeing and goeing to lay the Leavie Provided the Itinerary Charges of the Members of the Upper house as well in Comeing and goeing to and from this Assembly as in Comeing to the laying of the Leavie and Retourning home againe may be allowed out of the publick.

The house is adjowrned Till 10 a Clock
To morrow Morning

On Thursday June the 15th The house met

Present The Rt Honoble The Lord Proprietary the Honoble Chancellor Secretary and Surveyr genll Coll Samll Chew Coll Jesse Wharton and Leivt Collonll Thomas Taillor

Lowr house 14 June 76

Ordered tht Capt Allens Acct be Referred till the makeing up the Leavie and tht the Souldiers be allowed according to act of Assembly and noe more, this acct being altogether imperfect for the Souldiers names ought to be incerted and when and how often out upon Service tht soe the Said Souldiers may be particularly and By name payd out of the publick

Signed &c

Ordered by his Lordship That Two ac[res of Land] adjacent To the Court house new E[rected] for Somerset County never Y[et taken] up be Reserved and Confirm[ed to the] Comissionrs of the Said County for [the Use] of the Said Comissionrs and County [aforesaid] U. H. Journal original p. 53

Signed by ordr of [his Lordship]
Richard Boughton Clk
of the Assembly

The Lower house wth Theire Speaker Came into This house with all the Lawes made This Assembly, The Titles whereof being Read in the presence of both houses His Lordship Signed The Said Lawes with this Subscription viz: His Lopp Willeth these To be Lawes Which Subscription was at the Desire of the Lower house Read by the Clerke of the Upper House in the Audience of both houses & thereupon his Lopp Prorogued This Assembly vntill the 15th day of May next to Ensue in The yeare yeare 1677

Acts made att a Generall Assembly held att the Citty of St Maryes the fifteenth day of May in the first yeare of the Dominion of Charles &ca Annoq Domini one thousand six hundred Seventy Six Liber W H & L p. 95

The Right Honble Charles Lord Baltemore &ca

An Act for Continueing the payment of the Imposicon of two Shillings p hoggshead dureing the life of the Honble Cæcilius Calvert Esqr Sonn & heir of the Right Honble Charles Absolute Lord and Proprietary of the Prouinces of Maryland & Avalon Lord Baltemore &ca in case he Survive his Lordship.

Whereas by an act of Assembly made att a Generall Assembly held att the Citty of St Maryes the twelfth day of ffebruary in the yeare of our Lord one thousand Six hundred Seventy and four Entituled an act of gratitude to his Excellency Charles Calvert Esq Cap. Generall of Maryland itt was Enacted that a former Act made att a Generall Assembly held att the said Citty of St Maries the twenty seventh day of March one thousand Six hundred Seventy one Entituled an act for the rayseing & provideing a Support for his Lordship the Lord and Proprietary of this Prouince dureing his Natureall life And likewise a Supply towards the defraying the publick Charges of Gouernment Itt was Enacted that the said Act & all and every the Articles Provisoes matters and things therein Contained should stand & be by that present Act ratifyed & Confirmed to all intents & purposes according to the true intent & mean-

Liber W H & L p. 96

ing thereof not onely for and dureing the life of the Right Hon^ble^ Cæcilius Absolute Lord & Proprietary of this Prouince & for one Cropp after as aforesaid but alsoe for and dureing the naturall life of the Right Hon^ble^ Charles Calvert Esq Sonne & heir apparent of the said Cæcilius Lord Proprietary And noe longer And that from and after the Decease of the said Cæcilius Lord Proprietary the duty & imposicōn of two Shillings per hoggshead in the said Act mencōned should be Levyed raysed Collected and paid to the said Charles Calvert Esq^r^ for and dureing the tearme of his Natureall life as aforesaid in such manner & under such paines penalties & forfeiture as by the said Recited Act was Limitted & appointed to be paid to the said Cæcilius Lord Proprietary as aforesaid Provided alwaies Neverthelesse that all & every the Severall provisoes in the Said Act Contained should dureing the Continuance of the said Recited Act Stand in full force and Vertue And be inseperably annexed to the said last recited Act Provided alsoe that from and after the end of that present Sessions of Generall Assembly in case of shippwrack or takeing of any shipp or vessell Shipps or vessells soe that the Tobaccoes therein Laded should be lost before the Delivery of the Shipp or vessell att his or their port, then the master Marchant or other owner of such Tobaccoes soe laden and lost as aforesaid should be Repay'd the said duty or Imposicōn of two Shillings per hoggshead or haue liberty to Shipp att some other time soe many hoggsheads of Tobacco as they had formerly paid mony for as aforesaid free & Cleere of any the said Imposicōn as by the said Severall Acts Relacōn being thereunto had may more fully & att large appeare Your Lordships most humble Loyall & obedient Servants the Cittizens & Delegates of this your Lordshipps Lower house of Assembly takeing into their Serious Consideracōn the many Signall fauours and benignity by your Lordship Conferred on this house for the Comon Vtility of the good people of this Prouince and for a gratefull Accknowledgment of your Lordships Paternall respects to your Lordshipps good people and in demonstracōn of their loyalty & love they beare to your Lordshipp and alsoe to your Lordshipps hopefull Issue The Hon^ble^ Cæcilius Calvert Esq^r^ your Lordshipps Sonne & Heyre doe humbly pray that itt may be Enacted And Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the advice and Consent of the vpper and lower houses of Assembly That the said last recited Act and all and every the Articles Provisoes matters and things therein Conteyned be and shall stand & be by this present Act ratifyed and Confirmed to all intents and purposes according to the true intent and meaning thereof not onely dureing the life of your Lordshipp our Lord and Proprietary of this Prouince but alsoe for and dureing the

Natureall life of the Hon^ble^ Cæcilius Calvert Esq^r^ your Lordshipps Sonne and heyre and noe longer And that in Case the said Cæcilius Calvert Esq^r^ shall happen to survive your Lordshipp Then from and after your Lordshipps decease the said duty and Imposicōn of two shillings p hoggshead shall be Leavyed raysed Collected & paid to the said Cæcilius Calvert Esq^r^ for and dureing the tearme of his Natureall life as aforesaid in such manner & under such paynes penaltyes & forfeitures as by the said Recited Act is Lymitted & appointed to be paid to your Lordshipp as aforesaid. Liber W H & L p. 97

Provided alwayes Neverthelesse that all & every the Severall Provisoes in the said severall Acts Contained doe and shall dureing the Continuance of this Act stand in full force and vertue and be inseparably Annexed hereunto.

To the Right Hon^ble^ the Lord Proprietary & the two houses of Assembly

The humble Peticōn of Phillip Calvert Your Lordshipps Iudge in Testamentory causes & John Iordain the two overseers of the last will of Leiv^t^ Co^ll^ John Jarboe late deceased.

Sheweth

That the said John Jarboe in the yeare of our Lord one thousand six hundred Seventy one being Sick made his Testament in writeing by which he Divided his Lands amongst all his Children then borne That Recovering of that Sicknesse he lived till he had another Sonne & daughter borne And in the yeare of our Lord 1674 falling sick againe the said John Jourdain That uppon thursday morning the fourth of March 1674 he came to the house of Leiv^t^ Collonell Iohn Iarboe and finding him sick the said Iohn Iourdain aduised the said Iarboe to Settle his affaires that his wife and Children might not after his death be putt to trouble Whereuppon the said Iarboe desired the said Iourdain to send for M^r^ Edward Clarke to come to him on fryday Morning following to make his will and Said he did intend to alter his will made some yeares before because he had some Children borne Since the makeing the said will and that in Regard his daughter had some land to be made good to her by Marke Cordea and Walter Hall gentlemen he was Resolued to haue his owne land now divided between his three Sonnes Viz^t^ to Iohn Iarboe the Seate of Land where he then lived with one Negro together with his Right to one hundred & fifty Acres of the mill land where William Medely lived and the millstones Exchanged with the Said William for the one hundred & fifty acres where the said William now lives as alsoe one Equall share with his Brothers Sister and mother of

Liber W H & L the Cattle Horses & Mares & Houshould Stuffe To Peter Iarboe the three hundred Acres of Land bought or Exchanged with Henry Aspinall by S[t] Lawrence Creeke in Brittains Bay with one Negro & an Equall share of the Cattle Horses and Mares & Moueables To Henry Iarboe five hundred Acres in the Branches of S[t] Lawrences Creeke one Negro & an Equall share of the Cattle Horses & Mares & Moveables as aforesaid To Mary Iarboe his Daughter the Silver Tankard & his Silver Spoones one Negro & an Equall share of Cattle Horses Mares & Household Stuffe or moveables To Mary Iarboe his wife the man with one Eye & the Old Woman Called Cove & Ahon by name & an Equall share of the Moveables & onely the mare
p. 98 Bonnie & her Colt of the Horses his own Rideing horse to be kept undivided for the use of the Plantacõn Uppon which Plantacõn his wife should liue dureing her life if shee pleased He desired the Chancellor & the said Iohn Iourdain to mannage the Estate of his Children To Edward Barbier he gaue a Young fillie & a heifer whether he Staid with his wife & Children uppon the Plantacõn or not And he the said Iarboe then bid the said Iourdain to take notice that this was his will in Case god almighty should take him before he Could make his will in writeing and then said that the next morning he would send for M[r] Edward Clarke to putt his will in writeing and to M[r] ffoster to give him the last Sacraments And likewise declared That in Case any of his Children dyed before they came to age that his will was that that Childs part should be Equally divided between the mother and the Rest of his Surviveing Children And in Case all his Children dyed before they come to age he gave his whole Estate to his wife after which and before he the said Iarboe could putt his said will in writeing the said Iarboe dyed & left his two Younger Sonnes in strict rigour of Law to the mercy of their elder Brother In tender Consideracõn therefore of the distressed Condicõn of the said Younger Brothers & as a reward of the faithfull Services of the said Leivtenant Collonell John Iarboe to your Lordshipps father of noble memory & to your selfe allwayes performed Your Peticõners doe humbly pray that itt may be Enacted And Bee itt Enacted by the Right Hon[ble] the Lord Proprietary by and with the aduice and Consent of the upper and lower houses of this present Generall Assembly & the Authority of the same That the Respective devises of the said three hundred Acres of Land to Peter Iarboe & of the said five hundred acres of Land to Henry Iarboe in the said Nuncupative will of the said Leivtenant Collonell John Iarboe Contained shall vest the said Lands in the said Peter & Henry Jarboe & their heyres respectively as fully and Effectually to all intents and purposes as if the said will had dureing the life time of the said Leiv[t]

Co[ll] John Jarboe been Conceived in writeing & been penned in due forme of Law any Law Custome or usage either in this Prouince or in the kingdome of England to the Contrary hereof in any wise Notwithstanding. Liber W H & L

An Act for Secureing Marchants & others Tobacco after they haue Receiued itt—

Bee itt Enacted by the Right Hono[ble] the Lord Proprietary by and with aduice & Consent of the Upper & Lower houses of this present Generall Assembly that every housekeeper or Inhabitant within this Prouince haueing a Plantacōn whereon he maketh or Causeth to be made any Tobacco shall build and erect or otherwise fitt upp and make Ready a good tight house with a good doore lock and key uppon every Plantacōn where such Tobacco is made as aforesaid Sufficient to Containe The Tobacco made vppon every respective Plantacōn and the said houses to be builded fitted upp or made Ready by the tenth day of October which shall be in the Yeare of our Lord God 1677. p. 99

And Bee itt further Enacted by the aduice and Consent aforesaid & the Authority of the same That from and after the tenth day of October which shall be in the Yeare of our Lord 1677 every Inhabitant & house keeper haueing a Plantacōn whereon he maketh Tobacco as aforesaid and that shall pay away or dispose of any Tobacco unto any Marchant Master of a Shipp Sailor or any other person whatsoever shall Notwithstanding such disposure or payment Secure and keepe the said Tobacco as he would doe his owne propper goods vntill such person as did receive or is owner of the same shall send for itt Provided allwayes that nothing in this Act conteyned shall be Construed meant or intended to make any Inhabitant or housekeeper lyable to any damage which shall happen to any Tobacco soe left with him to keepe and secure through any Casualty whatsoever.

And Bee itt further Enacted by and with the aduice and Consent aforesaid That every Inhabitant house keeper or other person haueing a Plantacōn as aforesaid & makeing Tobacco as aforesaid which shall not Erect build or fitt upp such house or houses uppon their Respectiue Plantacōns for the uses and by the time aforesaid shall forfeite and pay the summe of five hundred pounds of Tobacco in Caske the one halfe to the Lord Proprietary the other halfe to the Informer or him or them that shall sue for the same to be Recovered by bill plaint or Informacōn in any Court of Record within this Prouince wherein noe Essoyne Wager nor Protecc̄on in Law to be allowed This Act to Continue for three yeares or to the end of the next Generall Assembly which shall first happen.

Liber W H & L

An Act relateing to the seizure of Tobacco by the Sherriffe

Forasmuch as great Complaints haue been made to the Burgesses and Delegates of the lower house of Assembly of the many and great inconveniencyes that haue lately happened and doe dayly & for the future may happen and accrue to many Marchants Masters & other persons tradeing into and Resydeing & Inhabitting within this Prouince who haveing severall debts and Sumes of Tobacco due vnto them from severall persons in this Prouince who for Satisfaccon of their said debts haue paid away and delivered to their severall Creditors severall quantityes and hoggsheads of Tobacco & such hoggsheads of Tobacco haue been Received marked and nayled by such Marchants Masters & others tradeing into & Resydeing in this Prouince as aforesaid And thereuppon the said Creditors haue delivered upp to the said Debitors their bills or other Specialltyes giuen for Security of the said debts or otherwise the said Debitors haue procured Releases & discharges for the Debts Yett Notwithstanding afterwards the severall sherriffes within this Prouince uppon pretence of Publick debts due from the said persons Debitors haue seized the said Creditors Tobacco soe Received marked and Nayled and lying in the said Debitors Tobacco houses and by that meanes the said Creditors are left without Remedy for Recovery of their said Debts againe to the great hinderance of Trade & prejudice of such Creditors. And forasmuch alsoe as the people of this Prouince are very much greived by the Severall undue practices of severall Sherriffes of this Prouince
p. 100 who haueing Authority to Collect his Lordshipps Rents and the Publick Levyes of this Prouince which many times amounts to a small Sume of Tobacco and Comeing to the Severall persons within this Prouince to demand & Receiue the Same & not finding Tobacco Ready packt doe Comonly marke the Inhabitants Tobacco houses wherein are farr greater quantityes of Tobacco then will pay the said Rents & Leavyes and order them not to dispose of any the said Tobacco till the same Rents & Leavyes be payd Whereby the said Inhabitants are Debarred from Laying out their said Tobaccoes where they Conveniently may and when Necessity requires to their great losse & damage for prevencon whereof for the future Bee itt Enacted by the Right Honble the Lord Proprietary of this Prouince by & with the aduice and Consent of the upper and lower houses of this present Genll Assembly & the Authority of the same That any person or persons whatsoever Marchant or others within this Prouince that hath att any times within these twelue moneths last past received marked and Nayled or for the future shall Receive marke & Nayle any hoggsheds of Tobacco within this Prouince of any persons Debitors within

this Prouince & which hath been paid & deliuered to them for satisfaccōn of their said debts And such Marchants & others hand uppon the Recept marking & Nayling of Such hoggsheds of Tobacco delivered upp to their Respective Debitors their bills or other Securityes passed by such Debitors for security of their said debts, or if the said Marchants & others haue given Releases or discharges to the said Debitors of the said debts and that before the said Marchants or others could Remoue the said Hoggsheads of Tobacco from the said Debitors Tobacco houses any Sherriffe within this Prouince shall come & seize such hoggsheads of Tobacco soe marked and Nayled as aforesaid That then & in every such Case if the party refuse to make & give to his said Creditors some other full Satisfaccōn for their said Severall debts Itt shall and may be Lawfull for any two of his Lordships Justices of the Peace of the Respectiue Counties within this Prouince uppon due proofe made before them two of the Iustices of the said debt & of the said Sherriffes seizure as aforesaid & that the party Debitors refuse to make their Creditors full Satisfaccōn for their said debts att the Creditors Request to award out Execucōn with Costs against the body goods or Chattles of such Debitors to be Executed by the severall Sherriffes for Satisfaccōn of the said Creditors Iust debts in as full & ample manner as if the said debts had been Legally Recovered by due Course of Law, And if itt shall happen the said debts soe Seized by the Sherriffe shall amount to more then the Iurisdiccōn of the County Courts will beare Then itt shall & may be Lawfull for any one of the Iustices of the Prouinciall Court att the Request of such Creditors to award Execucōn for such debts either by Capias ad Satisfaciendum fieri-facias or Ellegit (att the Eleccōn of the said Creditors) for the Recovery of the said debts as aforesaid any Law Statute or Custome to the Contrary Notwithstanding Provided that his Lordships Justices doe Call before them both parties & wittnesses for due proofe of the Iustnesse of the said debt & of the said Sherriffes seizure as aforesaid And that as in all other Civill Causes as his Lordshipps Courts the party Cast shall Satisfie the Costs & Court Charges And that noe Sherriffe within this Prouince shall seize or marke any persons Inhabitting within this Prouince their Tobacco houses or Tobacco hanging or unstript or unpackt but onely Tobacco packt in Caske for any Rent or Leavyes, nor shall he marke any Marchant or others hoggsheads of Tobacco Received marked or Nayled as aforesaid & remaining in the houses of any person within this Prouince undisposed of by the Marchant for any Cause or thing whatsoever but onely for Rent & Leavyes And any Sherriffe soe Seizeing or marking any Tobacco houses or seizeing any hoggsheads of Tobacco

Liber W H & L

p. 101

Liber W H & L

Containing more then what is Justly due to his Lordshipp or Publick for Rent or Leavyes shall pay for every such default the Sume of two thousand pounds of Tobacco the one halfe to the Lord Proprietary the other halfe to the party grieued to be Recovered by accon att Law Bill Plaint or Informacon in any Court within this Prouince in which noe proteccon Essoyne or wager of Law to be allowed this Act to endure for three yeares or to the end of the next Genrall Assembly which shall first happen

An Act for the Publicacon of Marriages.

Bee itt Enacted by the Right Honble the Lord Proprietary by and with the advice and Consent of the upper and lower houses of this present Generall Assembly That all persons who shall desire Marriage haue Liberty to apply themselues either to a priest minister Pastor or Magistrate for the Contracting thereof.

And Bee itt further Enacted by the Authority aforesaid That all persons within this Prouince intending Marriage shall make Publicacon thereof either att the Church or Chappell County Court or meeting house next where they dwell and that att such tymes as such Church Chappell or meeting house be full and thereby Capable to take Cognizance thereof And that itt shall and may be Lawfull uppon Certificate had from the priest minister Pastor or County Court where such Publicacon shall haue been made (three weekes after the said Publicacon) for either Minister Pastor or Magistrate to Ioyne in Marryage such persons as aforesaid And if any person shall presume to Contract Marriage without such Publicacon be made & Certificate thereof had as aforesaid or without particular Lycence from the Right Honble the Lord Proprietary or his Leivtenant Generall or Cheife Gouernour for the time being doe Privately within the Limitts of this Prouince Contract Marriage Every person soe Contracted or marryed shall be Lyable to a fine of one Thousand pounds of Tobacco And every such Preist Minister Pastor or Magistrate Joyning in Marriage any persons without such Publicacon or Lycence or any waies infringeing this Act shall be Lyable to a ffine of five Thousand pounds of Tobacco one halfe thereof to the Lord Proprietary the other halfe to the Informer to be Recovered by bill plaint accon of debt or Informacon in any Court of Record wherein noe Essoyne Proteccon or wager in Law to be allowed.

And Bee itt further Enacted That all such Marryages as shall not be made or Celebrated before some Priest Minister Pastor or Magistrate with fiue sufficient wittnesses att Least according to the forme before menconed shall be & are hereby declared null & voyd.

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And bee itt further Enacted by the Authority aforesaid that all priests Ministers Pastors & Magistrates who according to the Law of this Prouince doe usually Ioyne people in Marriage shall joyne them in the manner & useing the words following the man takeing the woman by the Right hand shall say I A: B: doe take thee C: D: to my weded wife to haue and to hold from this day forward for better for worse for Rich or for poore in Sicknesse & in health till death us depart & there too I plight thee my troth which being finished he shall Lett her hand goe Then the woman takeing the man by the Right hand shall say I C: D: take thee A: B: to my wedded husband to haue and to hold from this day forward for better for worse for Rich or for poore in Sicknesse & in health till death us depart & theretoo I plight thee my troth. Which being finished the Priest Minister Pastor or Magistrate shall say I being hereunto by Lawe Authorized doe Pronounce you Lawfull man & wife.

And Bee itt further Enacted by the Authority aduice & Consent aforesaid That the Priest Minister Pastor or Magistrate are by vertue of this Act hereby Impowered to aske demand Receive & take from the parties soe marryed or Ioyned together the Summe of one hundred pounds of Tobacco this Act to endure for three yeares or to the end of the next Generall Assembly which shall first happen.

An Act Relateing to Servants and Slaues

Whereas there was an Act Provided against Servants Runnawayes made in the yeare one thousand Six hundred & fifty And another Act made in the yeare one thousand six hundred Sixty two as alsoe another Act made in the yeare one thousand Six hundred Sixty Six which said three Acts haueing hithertoo proved ineffectuall in Regard they doe not Sufficiently provide an Encouragement for such person or persons Inhabitants within this Province as shall Seize such Runnawayes Servants by this Act deemed Runnawayes Therefore for the better Discovery Seizing and apprehending of Such Runnawayes as aforesaid Bee itt Enacted by the Right Hon^{ble} the Lord Proprietary by and with the aduice and Consent of the upper & lower houses of this present Generall Assembly That from & after the Publicacō̄n hereof noe Servant or Servants whatsoever within this Prouince whither by Indenture or according to the Custome of the Countrey or hired for wages shall travell by Land or water tenn miles from the house of his her or their Master or mistrisse or dame without a noate under their hands or vnder the hand of his her or their Overseer (if any be) under the Penalty of being taken for a Runnaway & to Suffer Such penaltyes as are hereafter provided against Runnawayes.

Liber W H & L p. 103

And itt is hereby further Enacted by the Authority aforesaid That any Such Servant or Servants as aforesaid unlawfully absenting him her or themselues from his her or their said master mistrisse Dame or Overseer Shall Serve tenn dayes for every one dayes absence to be Iudged when such master mistrisse or Dame shall bring their said servant before the Iustices of the Prouinciall or County Court where the owner Master or mistriss dame or Overseer of such Servant Shall live dureing the Sitting of the Court be itt before or after the Expiracōn of such Servants first time of Service by Indenture or otherwise.

And be itt further Enacted by the Authority aforesaid That any person or persons whatsoever within this Prouince that shall wittingly or willingly deteyne any such Servant or Seruants unlawfully absenting him her or themselues as aforesaid shall be fined five hundred pounds of Tobacco for every night or four & twenty houres that such person or persons shall give Entertainment to such servant or seruants one halfe to the Lord Proprietary & the other halfe to the Informer or him or them that shall sue for the same to be Recovered in any Court of Record within this Prouince by accōn of debt bill plaint or Informacōn wherein noe Essoyne Wager or Protecc̄on of Law to be allowed And for the better discovery of Runnawayes itt is hereby further Enacted by the Authority aforesaid That any person or persons whatsoever within this Prouince Travelling out of the County where he shee or they shall live or reside without a passe vnder the Seale of the said County for which they are to pay tenn pounds of Tobacco or one shilling in money such person or persons if apprehended not being Sufficiently knowne or able to give a good accompt of himselfe to be left to the discretion & Iudgment of such Magistrate before whom such person as aforesaid shall be brought to Iudge thereof And if before such Magistrate or Magistrates brought shall be deemed and taken as a Runnaway shall Suffer such fines and penaltyes as is hereby provided against Runnawayes And for the better encouragement of all persons to Seize and take upp such Runnawayes Itt is by the Authority aforesaid Enacted That all and every person or persons apprehending Seizing & takeing upp Such Runnawayes & persons trauelling without passes as aforesaid and not being able to give a Sufficient accompt of themselues as aforesaid shall haue & Receive two hundred pounds of Tobacco to be payd by the owner of such Runnaway soe apprehended & taken upp if a Servant & if a freeman & Refuseing to pay the same then to make Satisfaccōn by Servitude or otherwise as the Iustices of the Prouinciall or County Courts where such person shall be soe apprehended and taken upp shall think fitt And further for the better discovery & Encouragement of our Neighbour Indians to

Seize & apprehend Runnawayes itt is further hereby Enacted That any Indian or Indians which shall apprehend seize or take upp any Runnaway Servant & bring him before some Magistrate of any County within this Prouince shall for a Reward haue a Matchcoate paid him or the value thereof which said Reward is to be Repay'd & Satisfyed by the County where such person shall be apprehended And such Runnaway to Reimburse the said County by Servitude or otherwise as the Iustices of the Prouinciall Court or County Court shall think fitt. Liber W H & L. p. 104

And Bee itt further Enacted by the Authority aforesaid That att what tyme soever any of the aforesaid persons runawayes shall be soe seized by any person or persons within this Prouince such person or persons soe seizing or apprehending the same shall bring or Cause him or them to be brought before the next Magistrate or Iustice of the County where such Runnaway is apprehended who is hereby Impowered to take into his Custody or otherwise him her or them to secure & dispose as he shall think fitt Untill such person or persons Seized or apprehended shall give sufficient Security to answer the Premisses the next Court that shall first Insue in the said County who is alsoe to secure such person or persons untill he or they can make satisfaccon to the party that shall soe apprehend or seize such Runnaway or other person as by this Act is Required Except such person shall make satisfaccon as aforesaid before such Court shall happen And that notice be Conveniently given to the master mistrisse or Dame of any Runnawayes taken upp as aforesaid The Justice of the Peace or Comissioner of the County shall forthwith cause a noate of the Runnawayes name soe seized & apprehended as aforesaid to be sett upp att the County Court where such person is seized or apprehended as aforesaid And alsoe Cause a noate to be Sett upp att the next adjacent County Courts & att the Prouinciall Court or Secretaryes office that all persons may view the same & see where such their servants are & in whose Custody.

And forthemore for the better ascertaining of what each Servant according to the Custome of the Country shall haue att the Expiracon of the tyme of their Servitude Bee itt Enacted by the authority & advice and Consent aforesaid That Euery man Seruant shall att such tyme of Expiracon of his servitude aforesaid haue allowed and giuen him a good Cloath suite either of Kersey or broad Cloath a shift of white Linnen to be new one new paire of Shews & Stockens two hoes, one ax & three barrells of Indian Corne all women servants att the tyme of the Expiracon of their Servitude as aforesaid shall haue allowed and given her the like provision of Cloathes & Corne as aforesaid.

And to the intent the many great mischiefes & inconve-

Liber W H & L

niencyes ariseing & accruing to divers good people of this Prouince by the transporting & Carrying or Conveying away or causeing to be transported Carryed or Conveyed away out of this Prouince any Inhabitant within this Prouince whether master or freeman not thereunto Lawfully Lycenced or any apprentice hired or other Servant or Slaue may for the future be prevented.

Bee itt further Enacted by the Authority aforesaid by and with the aduice & Consent aforesaid That every person or persons that shall soe transport carry or Convey away or cause to be transported Carryed and Conveyed away out of this Prouince any Inhabitant of this Prouince as aforesaid that is or shall be indebted or engaged here & not haueing a Sufficient Lycence or passe according to the Law of this Prouince
p. 105 in that Case made & provided shall be Lyable to Satisfye all such debts engagements & damages as the said person or persons soe transported Carryed or Conveyed away should be Lyable to Satisfye to any persons to whom the same shall be Respectively due in this Prouince unlesse the same be otherwise Satisfyed in Convenient, or that in short tyme he cause or procure such person or persons soe Carryed & Conveyed away to returne again into this Prouince whereby he may be lyable to Iustice here and any person or persons whatsoever that shall from henceforth Entice and Transport Carry or privately convey away out of this Prouince any apprentice hired or other Servant or Slaue belonging to any Inhabitant in this Prouince shall for every such offence forfeit & pay to the Imployer or owner of such apprentice hired or other Servant or Slaue treble damages & Costs to be Judged by the Iustices of each Respectiue County Court or the Iustices of the Prouinciall Court for the tyme of such apprentice hired or other Servants or Slaues unlawfully Transporting or Carrying away as aforesaid

And Whereas many and great grievances haue happened & accrued unto many masters mistris or Dames within this Prouince by the wickednesse and Infidelity of their Servants Purloyning their masters mistrisses or Dames goods & then by barterring Selling & Conveying away the same unto Seamen & others whereby masters & mistrisses of families are & haue been uery much damnifyed & abused for prevencōn of the like misdemeanors for the future Bee itt further Enacted by the Authority and by and with the aduice & Consent aforesaid That noe person whatsoever shall Trade barter Comerce or any wayes deale with any Servant whether hired or Indented or Slaue belonging or appertayning to any Inhabitant within this Prouince without leaue or Lycence first had & obtayned from Such Servants master mistris or Dame or Over-

seer for his soe doeing vnder the penalty of two thousand pounds of Tobacco the one halfe thereof to the Lord Proprietary the other halfe to the master mistris or true owner of such goods soe purloyned bartered & Conveyed away when proved by sufficient wittnesses or Confession of the party to be Recovered in any of his Lordshipps Courts of Record by accõn of debt bill plaint or Informacõn wherein noe Essoyne Wager or Protecc̃on in Law to be allowed And in case such person or persons Soe offending shall not be able to Satisfye the same. Then such person or persons shall be bound over by some one Iustice of the Peace & putt in Security either to appeare att the Prouinciall or County Court where uppon Conviction by Confession or Sufficient wittnes Such offender shall be punished by whipping on the bare back with thirty Stripes. Liber W H & L

And for the Iust ascertaining & Limitting of Servants times of servitude Bee itt Enacted by the Authority by & with the aduice & Consent aforesaid That whosoever shall Transport any Servant into this Prouince without Indenture Such Servant being aboue the age of two & twenty yeares shall be obliged to serve the full Space & Terme of fiue yeares if between Eighteene & two & twenty without Indenture Six yeares if between fifteene & Eighteene without Indenture Seven Yeares if under fifteen & without Indenture shall serve till he or they arrive to the full age of two & twenty yeares. p. 106

And Bee itt further Enacted by the Authority & by and with the aduice & Consent aforesaid That all Servants transported out of Virginia into this Prouince shall Compleat their time of Servitude here which they ought to haue served in Virginia & noe more.

And Bee itt further Enacted that every master mistriss or dame assignee or Trustee of what kind soever owning or keepeing any such Servant as aforesaid whether by vertue of transportacõn purchase or otherwise shall within Six moneths after the Receiving such Servant into their Custody within this Prouince Except he she or they clayme but five yeares service of such Servant bring the said servant into the Respectiue County Court where they doe Inhabitt And every of the said Courts are hereby Authorized to Judge and determine of the ages of such Servants soe brought and cause the same to be entered uppon Record And every owner as aforesaid Neglecting or Refuseing to bring such Servant or Servants before the Court as aforesaid shall not only stand to the Determinacõn of the Court but alsoe forfeit the sum̃e of one thousand pounds of Tobacco to the Lord Proprietary for depriveing the Court of such opportunity of viewing the partyes And if any master or Servant aforesaid be grieved with the determinacõn of the Court he shall within the time determined for their service pro-

Liber W H & L duce an Authentick Certificate of such servants age & shall haue Remedy to the ages aforemencõned.

And Bee itt further Enacted by the Authority & by and with the aduice and Consent aforesaid That noe Indenture made by any seruant dureing the time of service due by former Indenture or by determinacõn of the Court according to the Tenor of this Act shall any wayes oblige any Servant for longer tyme then by his first Indenture or determinacõn of the Court shall be Limitted & appoynted Provided that this Act nor any thing therein Contayned shall not give or be Construed to give any Benefitt to any Slaue whatsoever, Prouided that neither this Act nor any thing therein Contained Repeale or be Construed to Repeale An Act made att a Generall Assembly the thirteenth day of Aprill Anno 1674 Entituled an Act Concerning Servants that haue bastards, And for Encouragement of our Neighbouring Collonyes of Virginia Delaware & the Northern parts of America for the takeing upp of servants & others Runnawayes out of this Prouince into those parts Bee itt further Enacted by the Authority aduice and Consent aforesaid That the sume of four hundred pounds of Tobacco shall from henceforth be allowed & payd to any person in those Collonyes of Virginia DeLaware & the Northerne parts of America that shall soe seize or take upp such servants
p. 107 or others Runnawayes, & carry or cause them to be Carryed before Some Magistrate of any County of this Prouince uppon whose Certificate of the delivery of such person Runnawayes the said sume of four hundred pounds of Tobacco to be Raysed and Leavyed out of the Publick assessments & allowed & payd to such person soe takeing upp & delivering to a magistrate as aforesaid Such Runnawayes as aforesaid And the master mistris Dame or owner of such Servant (if itt be a Servant that is soe taken upp) to Reimburst the Publick againe the said sume of four hundred pounds of Tobacco uppon the delivery of his or her Servant And the said servant to Reinburst the master mistris Dame or owner by Servitude or otherwise to the full Satisfaccõn & Content of the said master mistris dame or owner Butt if the Runnaway soe taken upp & delivered to the magistrate as aforesaid bee a freeman Then such Runnaway to be Imprisoned till such tyme as he hath made Satisfaccõn by Reinbursting the Publique the said summe of four hundred pounds of Tobacco or shall give good Security for the same or shall make Satisfaccõn by Servitude or otherwise Provided that any servant that Runns away out of Somersett County into Accomack such person that takes him upp shall haue but two hundred pounds of Tobacco & noe more This Act to Endure for three yeares or to the end of next Generall Assembly which shall first happen.

An Act touching Coopers & Gage of Tobacco Hoggsheads Liber W H & L

Whereas Severall Complaints haue been made by divers marchants masters of Shipps & others of the vnreasonable Size of Tobacco Caske made in this Prouince whereby they are disabled to answer such freight as they agree for and thereby discouraged to bring their ships hither which may turne to an apparent decay of Trade if not timely prevented And that the Coopers Imployed to make Casque & sett upp Tobacco hoggsheads doe for the most part either through idlenesse or wilfullnesse neglect Refuse or delay to sett upp & finish the quantity of Hoggsheads & Tobacco Caske to be sett upp & made till very late in the yeare & till shipping time be almost done to the great prejudice of Marchants Planters & inhabitants in this Province Bee itt therefore Enacted by the Right Hon^ble^ the Lord Proprietary by and with the aduice & Consent of the upper and lower houses of this present Generall Assembly & the Authority of the same That all Tobacco Hoggsheads which shall hereafter be made within this Prouince shall be of the size of forty three inches in length & twenty seven Inches in the head & not under the size of forty two inches in the length & twenty six Inches in the head And that what Cooper or Coopers or other person or persons that shall make Tobacco Hoggsheads & doe not observe the gage aforesaid shall forfeit the said Caske and uppon Complaint thereof made be censured for his or their default by each Respective County Court where such person or persons doe Inhabitt And that any Cooper or Coopers person or persons whatsoever that shall agree w^th^ any the Inhabitants of this Prouince and undertake with him or Them to sett upp or make his or their Tobacco p. 108 Hoggsheads or Caske shall & are hereby Enjoyned to make Sett upp & finish one halfe of the said Tobacco Hoggsheads or Caske by the tenth day of October next & soe by the tenth day of October in any yeare And the said Cooper or Coopers person or persons soe agreeing or vndertakeing to Sett upp the said Caske as aforesaid shall & are alsoe hereby Enjoyned to make sett upp & finish the other moyty & halfe part of the said Tobacco hoggsheads or Caske by or before the tenth day of December next Comeing or by or before the tenth day of December in any yeare And if any Cooper or Coopers person or persons whatsoever within this Prouince soe agreeing & undertaking the same as aforesaid shall wilfully or otherwise neglect or refuse to make sett upp Compleate & finish the said Tobacco Hoggsheads & Caske aforesaid in such proporc̄ons & by such tymes as aforesaid shall forfeit the Sum̄e of one hundred pounds of Tobacco for every Tunn of Caske or Tobacco hoggsheads left att that time aforesaid unmade not sett upp & unfinished to be Recovered in the severall County Courts

Liber W H & L

where the said party or partyes Cooper or Coopers doe att that tyme dwell & reside unlesse the said Cooper or Coopers person or persons agreeing or vndertaking the said worke or taske aforesaid shall or cann before the Comissioners of such County Courts make itt sufficiently appeare that he was hindered in performing his said agreement or undertakeing by Sicknesse or some other Lawfull impediment to be adjudged & approved of by the said Comissioners of the said severall County Courts This Act to Endure for three yeares or to the end of the next Generall Assembly.

An Act for the Settling the Inheritance of the Reall Estate of Robert Cager as alsoe his personall Estate uppon the mayor Recorder Aldermen & Comon Councell of the Citty of St Maryes & their Successors to the vses in the said Robert Cagers will mencōned.

Whereas Robert Cager late of St Georges hundred in the County of St Maryes County deceased was in his life time Seized in his Demesne as of fee of Severall parcells of land & plantacōns scituate lyeing and being in St Maryes Somersett & other Counties within this Prouince And alsoe possessed of a personall Estate to a good value he the said Robert Cager being soe Seized & possessed did make his last will & Testament in writeing bearing date the 24th day of January 1675 & therein & thereby amongst other things did devise give and bequeath all his Estate both Reall & personall Estate moveables & imoveables lands & Tenements by what name or title soever Called or any way appeare to be his (his debts being
p. 109 first well Satisfyed contented & payd) vnto the Inhabitants of St Georges & Poplar hill hundred in the aforesaid County & to their Successors & Survivors for ever for maintenance of a Protestant ministry from time to time amongst them as they the Inhabitants of the said Hundreds or the Major part thereof shall approve of for their minister & teacher the freeholders of the said two hundreds or the Major part of them to Ellect induct & approve of such from tyme to tyme to be their minister and teacher That he soe admitted to Enjoy the Benefitt of the said Estate soe ordered & given as aforesaid And he did thereby Constitute & appoint Mr ffrancis Sourton Mr George Macall & Mr Peter Watts to be his Lawfull Executors to see to the performance of this his will. And they to nominate such after them as might see to the Carrying on & prosecuting from time to time the intent of his said will according as he had before mencōned And whereas the Inhabitants of St Georges & Poplar hill hundreds did humbly supplicate his Lordship that he would

be graciously pleased to Confirme the said will & that itt may Remayne firme to all intents & purposes according to the desire of the said Testator And thereuppon his Lordshipp did assent thereunto but did not know of any other way for graunting their Peticōn but by Settling the said Lands on the Mayor Recorder & aldermen & Comon Councell of the Citty of S^{t} Maryes & their Successors for the tyme being who being a Corporacōn were Capable of Receiveing the grant of the said land to the Intended uses. Liber W H & L

Bee itt there Enacted by the Right Hon^{ble} the Lord Proprietary by & with the aduice and Consent of the upper & Lower houses of this present Generall assembly & the Authority of the same That the said reall Estate of the said Robert Cager & all the messuages Lands Tenements & Hereditaments whatsoever in this Prouince of Maryland to him belonging be & are hereby vested Estated and Setled in the said Mayor Recorder & aldermen & Comon Councell of the said Citty of S^{t} Maryes & their Successors for ever in an Estate of Inheritance in fee simple And that the said Mayor Recorder & Aldermen & Comon Councell & their Successors shall & may haue hold occupie possesse & Enjoy the said lands and Premises & every part thereof And Sett lett & dispose thereof or any part thereof to such person or persons as they or their Successors shall think fitt the present Incumbent or minister haueing the first Refuseall if he think fitt to take the same And dispose of the Rents Issues & profitts thereof to the vses intents and purposes hereafter mencōned (that is to say) That the said lands & Tenements & the Profitts thereof be disposed of for the maintenance of a Protestant Minister from tyme to tyme to be amongst the Inhabitants of S^{t} Georges & Poplar hill hundred such an one as the said Inhabitants shall allow and approue of for their minister & Teacher according to the true intent and meaning of the said Testators will & to noe other vse whatsoever the Statute of Mortiname or any other Law Custome or usage to the Contrary thereof in any wayes Notwithstanding.

And whereas Peter Watts one of the Executors in the said will named hath taken uppon him the burthen of the said Executorship and proved the said will And thereby possessed himselfe of the said Robert Cagers personall Estate Bee itt Enacted by the Authority aforesaid That the said Executor shall from tyme to tyme give an account to the said Mayor Recorder & Aldermen & Comon Councell of the said Citty & their Successors of his Executorshipp and pay and deliver into their hands the Remainder of the said Robert Cagers personall Estate after debts and other necessary Charges are payd & deducted To the end that the said Mayor Recorder Aldermen p. 110

Liber W H & I. & Comõn Councell of the said Citty & their Successors may see the same disposed of to the uses intents & purposes aforesaid.

An Act for Limitacõn of officers fees

The Burgesses and delegates of this present Generall Assembly takeing into their Serious Consideracõn the great Complaint made by divers the good people of this Prouince of the great Extorcõn & oppression which is & hath been in this Prouince (under colour of office) Comitted by severall officers & ministers of this Prouince & every of their Deputed ministers servants & officers in Exacting unreasonable & Excessive fees from the good people of the Same for want of a Law hithertoo ascertaining & Limitting the Just fees belonging to their said Severall office & offices their ministers Servants & deputyes of the same And for prevencõn of the like abuses and absurdities for the future The Delegates of this present Generall Assembly pray that itt may be Enacted And Bee itt Ennacted by the Right Hon^{ble} the Lord Proprietary by and with the aduice and Consent of the upper & lower houses of this present Generall Assembly that from & after the Publicacõn hereof noe officer or officers hereafter mencõned in this present Act their Ministers servants or Deputies by Reason or Colour of his or their office or offices haue Receiue or take of any person or persons directly or Indirectly any other fees then by this Act is hereafter Limitted & allowed to the Severall officers hereafter mencõned—

To the Chancellor viz^{t}	℔ s d	℔ Tob
For the Seale of an originall writt	0 : 0 : 6	0006
For Seale of Recordari	0 : 1 : 0	12
For a Subp^{a} ad Respondend wth 3 names in itt	0 : 1 : 3	15
Every name more then three	0 0 6	06
For a Seale of a Proclamacõn of Rebellion	0 – 1 – 9	21
For a Comission of Rebellion	0 : 10 : 0	360
For the Seale of the grant for land of 100 Acres or under	0 : 10 : 0	120
For every 100 Acres aboue	0 : 01 : 0	012
For the Seale to a decree in Chancery	2 : 00 : 0	480
For the Seale to every Injunction	1 : 00 : 0	240
For the Seale to an audita querella	0 : 10 : 0	120
For every writt of Execucõn uppon Decree	0 : 13 : 6	162
For a writt of Covenant for passing a fine	0 : 01 : 3	15
For the Seale of a Com^{con} to take the acknowledgm^{t}	0 : 10 : 0	120

For the Chancellors hand to a writt of assise	1 : 00 : 0	240	Liber W H & L
For the Seale of every writt of Error	1 : 00 : 0	240	
For the Seale of a Certiorari	1 : 0 : 0	240	p. 111
For the Seale of a Supersedeas uppon them	1 : 0 : 0	240	
For the Exemplificacōn of a Grant of land the same fee as for grant for land			
For the Chancellors hand to a writt of Covenant	1 : 0 : 0	240	
For the Seale of amandamus melius Inquir or monstraverunt	0 : 10 : 0	120	
For the Seale of a Supersedeas to Com^{con} of Rebellion or Supplicavitt	1 : 0 : 0	240	
For Sealeing of a Sherr. Pattent of his office	2 : 0 : 0	480	
For the Sealing a Com^{con} to Renew the County Court	2 : 0 : 0	480	
For Sealeing the Dedimus Potestatem to Swear the Iustices	1 : 0 : 0	240	
For the seale to a pattent of Denizacōn	2 : 0 : 0	480	
For the seale ne Exeat Prouinciam	0 : 10 : 0	120	
From every County for Coppy of the Lawes of every Assembly		2000	

Fees due to the Judge in Testamentory causes

For every Letter of Ad^{con} Seu Testamentary	100
For every bond	60
For the Oath to Exhibitt an Inuentory & soe for every Oath	16
For every warrant to appraisers	28
For every warrant to Sweare them	26
For every Com^{con} to proue a will	100
For Recording wills Inventoryes accompts ꝑ side	16
For Coppy of every Libell Answer Reple or Rejoynder ꝑ side	16
For every order in Testamentary Causes	16
For every Citacōn	20
For fileing libells Answers Replicacōns the sume of	40

To the Secretary

For a Recordari	12
For a Subp^{a} ad Respond. with three names	15
For every name more then three	6
For an Attachment of Contempt	18
For a Proclamacōn of Rebellion	21
For Com^{con} of Rebellion	120

Liber W H & L

	For an injunction	240
	For an audita Quarela	120
	For a writt of Covenant for passing a ffine	15
	For a Com^{con} to take the Acknowledgment	120
	For every writt of Assise	30
	For a Com^{con} to fine officers uppon a melius inquir or monstr.	120
	For a Ne Ex. Prouinciam	120
p. 112	For drawing any Instrument under the Seale if the same Exceed one side computeing Seven words to a line & fifteen lines in a side	50
	For Recording the same as before	
	For Entring any other matter vppon Record not exceeding halfe a side of a leafe	08
	If the matter entred uppon Record be aboue halfe a side of a leafe Computing 15 lines & 7 words in a line to a fole & for every of a leafe in fol^{t}	16
	For Coppying of any Record the same fee as for Recording	
	For any warrant or Lycence against or to one person onely not under Seale	15
	If the Warrant or Lycence be against or to more then one then for each	15
	For any other passe or discharge not under Seale	15
	For Search of the Record the first yeare	
	For Ditto if aboue one yeares standing for every yeare after the rate of 4^{lb} T^{ob} p Annum	
	For fileing every Bill in Chancery	40
	For every Court the same shall Continue	40
	For every answer fileing	36
	For the oath to the Answer	12
	For writeing and Recording Com^{con} & bond for Sherriffe	240
	For writeing & Recording the Com^{con} & Dedimus Potestat. to the County Court.	350
	For every writt & Returne	28
	For every Subp^{a} & Ret^{r}	38
	For fileing every Declaracō accompting 15 lines to a Side & 7 words in a line	16
	For Coppy of the same as aboue	
	For Entring appearance	12
	For impt Continuance or reference	08
	Fileing a plea if not a Speciall one	08
	If more p rato as before	
	Coppy of the plea if not a Speciall one	08
	makeing upp the Issue	32
	Rule to plead or tryall	08
	Ve: fa: & Returne	28

Signing Iudgment	24	Liber W H & L
Entry Iudgment	32	
Coppy of the Iudgment	32	
Fileing Bill of Costs	16	
Coppy of Bill of Costs	16	
Execucõn & Returne	28	
Sci: fa: & Ret.	28	
Speciall Bayle	12	
Fileing Demurrer	16	p. 113
Writt of Enquiry Damages & ret	88	
Coppy of Demurrer	16	
For drawing any protest and Recording	240	
For any other matter attested as Publick Notary & under the Seale 50℔ Tob if the same Exceed one side p rato at 15 lines & 7 words to a Line		
For a Patent for land	120	
Proueing Rts 2℔ Tob. p poll		
Entry of Assignment if not Exceed halfe a Side	16	
Entry of a Certificat for land as aboue		
Warrant for land	28	
Warrant to Resurvey	50	

Fees in Criminall Causes as fees in England

All other fees not herein Comprized now belonging to the Secretaryes office accordingly due to officers in England pro rato in Ready mony att 1d p pound

To the Surveyor Genll & his Deputies	℔ Tob
To the survey of 100 Acres or under 1℔ Tob. p acre	
For any quantity aboue 100 Acres & under 200 Acres for the first 100 as before & ½℔ Tob. p Acre for the Rest	
If between 200 Acres & 500 then for the first 200 as before & ¼℔ Tob for all aboue	
For 500 Acres as before & for all aboue 10℔ Tob. p 100	
For every platt allowing two platts for every Survey that is to say one for the party & another to be Entred uppon the Surveyors Booke 10℔ Tob. for the first 100 Acres or under & after the Rate of 5℔ pct for all aboue the first hundred	
For Iourney fees if the place be distant from the Surveyors house 20 miles or under 40℔ Tobacco if aboue 20 Miles & under 40 then 80℔ Tob if aboue 40 miles & under be then 120℔ Tob & soe pro rato the party finding boat hands & Necessary Prouision	
For every Certificate of —— Survey be the quantity more or lesse	℔ Tob 5

Liber W H & L

For the Resurvey of 140 Acres or under made with Circumferent^r & Chaine or other Necessary Instrument } 400

For the Resurvey of any quantity of land aboue 140 Acres Double the fees aboue Specified for Survey in all Respects.

To the Sherriffe

For Seruing any writt or warrant & head & bayle bond	35
For tending uppon a Prisoner p day if 24 houres in Custody	20
For Collecting Publick duties 10^lb Tob. p Cent.	
For Seruing an Execucōn or Attachment	10
If the Execucōn be for aboue 100 & under 500^lb Tob	50
p. 114 If itt Exceed 500	100
If itt Exeed 1000 then for the first 1000	100
And for every 1000 afterwards	50
For any Extraordinary Warrant or Com^on the fee to be regulated by the Court	
For Empanelling a Iury	120

To the Cryer of the Prouinciall Court

	lb tob
For Swearing every Iury	144
For every wittnes 1^s or	12
For every Speciall bayle ordered in Court	72
For every good behauior ordered in Court	72
For every Cleereing of a prisoner p Proclamacon 6^s: 8^d or	80

To a Coroner viz^t

For viewing the body or bodyes of any person or persons murthered Slaine drowned or other wayes dead by misaduenture to be paid out of the goods & Chattles of the person soe dead if any there be otherwise to be Leavyed by the Comissioners of the County where such accident shall happen	lb Tob 250
For arresting or summoning of any Sherriffe sued or presented in any Court & for takeing security of such Sherriffe for his appearance	040
For the Arresting Sumoning or attaching any other person or persons wherein the Sherriffe is p^lt such fees as are allowed to be taken by the Sherriffe in such Case & noe more	

To the Cryer of the County Court

For Swearing every Iury	72
For every wittnes	06
For Speciall Bayle	36
For every good behauiour	72
For Clearing every prisoner by Proclamacōn	40

Provided allwaies that in Case any person shall Refuse to pay the same soe by this Act limitted and allowed Itt may and shall be Lawfull for the Chancellor Secretary Iudge of Probatt of wills Surveyor Generall sherriffe Coroner & Cryers of the Courts to Recover the same by way of Execucōn against the goods or body of the person soe Refuseing & noe other And in case any shall doe Contrary directly or indirectly to this Act shall loose & forfeit to the party grieved treble Damages And shall alsoe forfeit the sume of six thousand pounds of Tobacco or forty pound Starling for every tyme he or they shall soe doe the Contrary the one moiety to the Lord Proprietary his heires and Successors the other moiety to the party or parties that shall Sue for the Same by any plaint Accōn suite bill or Informacōn wherein noe Essoyne Protecc̄on or wager of Law shall be allowed Provided alwayes that if any fees for any matter or thing hereafter to be done belonging to their Severall office or offices & by the Right Hon^ble^ the Lord Proprietary or his Leivtenant & Gouernour and Councell soe allowed and adjudged & not in this Act mencōned Lymitted and allowed Then itt shall be Lawfull to haue & Receive such fees as the Lord Prop^ry^ & Councell shall Iudge and allow & noe more under the Penalty aforesaid to be Recovered as aforesaid. Liber W H & L p. 115

An Act for easment of the Inhabitants of this Prouince in Suites att Law for small Debts

Whereas the Inhabitants of this Prouince haue been much grieved molested & troubled by being forced by Prouinciall Writts to appeare att the Prouinciall Courts & fee Atturnyes there notwithstanding the debts for are very small & within the Cognizance of the County Courts of this Prouince for the prevencōn whereof for the future the burgesses and delegates of this present Generall Assembly doe humbly pray that itt may be Enacted And Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the aduice & Consent of the Upper and lower houses of this present Generall Assembly & the Authority of the same That from & after the Publicacōn hereof noe accōn for a booke debt or for a plain bill for or under the summe of fifteene hundred pounds of Tobacco & Caske shall be Comenced or prosecuted against any Inhabitant of this Prouince in the Prouinciall Courts Except onely upon appeales from the County Courts of this Prouince and attorneys of the Prouinciall Courts & County Courts for their fees onely who shall haue liberty to sue for the same in the Court where they are Attorneys And that noe attorneys of the Prouinciall Court shall be allowed any priviledge to debarr him from being sued in the County Court where he lives.

Liber W H & L And bee itt further Enacted by & with the aduice & Consent aforesaid that if any person plantiff shall Commence or prosecute any Suite or plaint in the Prouincⁿ Court of this Prouince for or vnder the summe of fifteene hundred pounds of Tobacco & Caske in manner and forme as aforesaid shall Suffer a nonsuite & pay Such Costs to the Defendᵗ as are vsually granted by the Prouinciall Courts of this Prouince

And bee itt further Enacted by the Authority aforesaid That an accompt sworne to by the pˡᵗ or a bill proved by his Euidence before any one Iustice of the Prouinciall Court or any two Iustices of any County Court within this Prouince shall be Sufficient Evidence to proue the said debts in any County
p. 116 Court within this Prouince Provided alwayes that the party who shall Sweare or give Evidence as aforesaid before one Iustice of the Prouinciall Court or two Iustices of any County Court to prove any debt as aforesaid shall att the same tyme declare upon his oath whether he knowes of any payment or discount of any part or parcell of the accompt or debt soe to be proved which shall be Certifyed under the hand or hands of such one Iustice of the Provinciall Court or two Iustices of the County Court before whom the said accompt or debt shall be proved which Certificate made & Signed as aforesaid shall be taken & Received as Sufficient proofe of any such debt or accompt as aforesaid.

And Bee itt further Enacted by and with the aduice & Consent aforesaid that if any Defendant upon the tryall can prove either by such Certificate as aforesaid or other Sufficient proofe that there is any summe of Tobacco paid to the pˡᵗ or his order in part of the Debt or accompt Sued for or due from the Plᵗ the County Court before whom such tryall is had may Cause the Same to be discounted in Court & giue Judgment thereuppon against the Defendᵗ for soe much onely as shall be Remaining due to the pˡᵗ with Costs of Suite This Act to Continue for three yeares or to the end of the next Generall Assembly.

An Act for the Constables takeing the Lists of the taxables.

Whereas through the Idlenesse & carelesnesse of Some Constables in this Prouince many falce lists of the taxable persons in this Prouince are returned And for that Severall Constables doe Comonly proceed to take the Severall Lists of taxables upon hear say without goeing to the severall & Respective houses in their Hundred to Enquire of the masters of the Respective familyes after the number of taxables in each family by which Neglect the Inhabitants of this Prouince are of-

tentymes very much abused and wronged Bee itt therefore Liber W H & L
Enacted by the Right Hon^ble^ the Lord Propry by and with the advice and Consent of the upper and lower houses of this present Generall Assembly That from and after the Publicacon hereof every Constable within this Prouince shall between the twentieth day of June & the last day of Iuly repaire in person to every respective house or habitation within his hundred & there Enquire of the masters Dame or other Cheife person in the family what number of taxable persons they & every of them haue within their Respective familyes and after such Enquiry made, a true and fair list shall Returne of all & every taxable persons within his hundred as aforesaid under his hand unto the Sherriffe of the County & another faire list thereof under his hand such Constable shall present att the next County Court there to bee Sett upp. And in case any Master p. 117
Dame or other cheife person of a family shall refuse or deny to give an accompt of the taxable persons of their familyes or uppon their accompt shall Conceale any taxable person or persons in his or their familyes & not give a true accompt of them to the Constable when Required Shall for every such offence and for every person taxable soe by him Concealed forfeit & pay double the Leavy or Leavyes of such person or persons soe by him or them Concealed And every Constable Neglecting his office herein shall forfeitt & pay the Sume of five hundred pounds of Tobacco for every offence such forfeitures and fines to be Leavyed by the Iustices of the Respective County Courts where such Constables and Inhabitants doe dwell and by them to be disposed of for the use of the Respective Countyes as the said Justices shall think fitt And to the end that noe person for the future may be ignorant what persons are Taxables & what not Bee itt Enacted by & with the aduice & Consent aforesaid & the Authority of the same That all male Children borne within this province & resident in itt shall be taken & accompted taxables att the age of Sixteene yeares & upwards And all male Servants imported into this Province att the age of Sixteene yeares and Upwards shall be accompted taxables and all Slaues whatsoever whether male or female imported or borne in this Prouince or aboue the age of Sixteene yeares shall be accompted taxables & Soe Rated And that all freemen in this Prouince (except Ministers and Preists & such poore & impotent persons that Receive Almes from the County shall be taxable above the age of sixteene Yeares This act to Continue for three yeares or to the End of the next Generall Assembly which shall first happen.

An Act for punishment of a Certain abuse comitted by Henry Ward of Cæcill County gentleman against the Right Hon^ble^ the Lord Proprietary & the Publick.

Whereas Complaint hath been made to the Burgesses & Delegates of the Lower house of Assembly & there Sufficient proved That the said Henry Ward being Elected a Member to serue in the Lower house of the Last assembly & being there sitting did Informe the said lower house that he had a very good horse lost in the Country service in the Expedicō to the Whorekills And that the Lower house giveing Creditt to such Informacō did thinke fitt to allow him out of the Publick Leavy Eighteene hundred pounds of Tobacco to which his Lordshipp the then Cap^n^ Generall & upper house did assent unto And itt being now made evidently appeare to this house That the said Ward lost noe such horse in the Publick service and that the said allegacō was most egregiously false & that thereby he had Exceedingly abused his Lordshipp & both houses of Assembly & the whole Countrey They therefore humbly pray that itt may be Enacted & be itt Enacted by the Right Hon^ble^ the Lord Proprietary of this Prouince by and with the aduice and Consent of the vpper and lower houses of this present Generall Assembly and the Authority of the same That the said Henry Ward may for such his great abuse be fined
p. 118 the summe of four thousand pounds of good Tobacco & Caske to be Leavyed by way of Execucōn uppon his goods & Chattles by the Sherriffe of Cæcill County And that the said sum̄e of four thousand pounds of Tobacco being soe Leavyed as aforesaid may be paid by such Sherriffe to Thomas Cole of Baltemore County his Executors administrators or assignes towards the Repaireing his great losses and damages by him the said Cole Susteyned by Severall Robberies comitted by the Indians his stock being killed by them of which the said Coles losses & Damages This house hath Received full Satisfaccōn.

An Act against the Importacōn of Convicted persons into this Province

Forasmuch as Severall masters of Shipps Marchants Sailors & others haue vsed and still doe vse to Import into this Prouince severall notorious felons & Malefactors which in severall of his Majesties Courts haue been Convicted of Crimes & fellonies as aforesaid and afterward procured by Masters of Shipps Marchants Sailors & others out of the Com̄on Iayles to Import into this Prouince & here to Sell & dispose of such felons & Malefactors as servants to the great

prejudice and grieveance of the Good People of this Prouince For the preventing whereof for the future The Burgesses & Delegates of this present Generall Assembly pray that itt may be Enacted And be itt Enacted by the Right Hon^ble^ the Lord Proprietary by & with the aduice and Consent of the upper & lower houses of this present Generall Assembly & the Authority of the same That from and after the first day of November next att every office or place where shipps and vessells are & shall be appointed to be entred & Cleered the Clerke of such office or person appointed for the entry and cleering of Shipps and Vessells shall administer an Oath to every master of Shipp when he comes to enter that he shall declare whither any Servant on board his shipp be felons Convicts as aforesaid And if itt shall appeare by his Oath that they are Such Then the said officer shall take good security of the said Master not to sell or Suffer the same to be sold given or any otherwayes disposed of in this Prouince but shall transport them and every of them out of this Prouince before he or his shipp depart out of this Prouince or in his owne Shipp when the same departs this Province. Liber W H & L

And itt is further Enacted by and with the advice & Consent aforesaid That noe master of a Shipp Marchant Saylor or any other person whatsoever shall presume to import into this Province any such Convicted felons or malefactors whatsoever to Sell give pay or any otherwayes or in any other manner to dispose of either vnto their own Plantacō̄n (if any they haue) or vnto any Inhabitant of this Province whatsoever

And Bee itt further Enacted by the Authority aforesaid That if any master of a Ship Marchant Saylor or other person whatsoever from and after the first day of November next shall import and bring into this Prouince any such Convicted Felons p. 119 or malefactors & shall sell give pay or any other wayes dispose of vnto any Inhabitant of this Province such Felons or Malefactors as aforesaid shall forfeit & pay for every such Convicted Felon or Malefactor soe Imported sould given paid or any other wayes disposed of unto any Inhabitant of this Province the sum̄e of two Thousand pounds of Tobacco the one halfe to the Lord Proprietary the other halfe to the Informer or him or them that shall sue for the same to be Recovered by Bill plaint or Informacō̄n in any Court of Record within this Province wherein noe Essoyne Wager nor protecc̄on in Law to be allowed This Act to Continue for three yeares or to the end of the next Generall Assembly which shall first happen.

Liber W H & L

An Act for secureing Creditors

Whereas there are now prisons built in every County And forasmuch as they were intended for the safe keepeing of Prisoners that Creditors might be secured to haue their debts paid after Judgment & Execucōn served And that Criminalls might be brought to Condigne Punishment Bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by and with the advice and Consent of the upper and lower houses of this present Generall Assembly That every Sherriffe within this Province that shall haue any Prisoner comitted to his Charg in any Criminall case whatsoever shall safe keepe the said Prisoner or prisoners vntill they be delivered by due Course of Law And if any sherriffe shall suffer any such Prisoners to Escape voluntarily or negligently shall forfeit twenty thousand pounds of Tobacco to the Right Hon^ble^ the Lord Proprietary the one halfe thereof to be Employed in strengthning the prison of the County the other towards the maintenance of poore prisoners.

Bee itt further Enacted by the Authority & by and with the aduice and Consent aforesaid That when any person or persons are taken by the severall & Respective sherriffes of the severall and Respective Counties in Execucōn for debt or vpon other meane processe, the said severall & Respective sherriffes shall safely keepe and restraine the said prisoners by such meanes & in such manner as prisoners in England by the Law of England are and may be Restrained And if any sherriffe shall voluntarily or negligently suffer any such prisoners to Escape such sherriffe shall pay the debt or Damage to the person who obtained Iudgment & sued out Execucōn or other meane processe against the said Prisoner And if any person imprisoned for ffelony or other Crime deserving death shall attempt or endeavour to break the prison shall imediately thereuppon be Secured by the Sherriffe or Iaoler in Irons And any person soe imprisoned for felony or other Crime deserving death as aforesaid that shall breake Prison shall be punished with death This Act to endure for three yeares or to The End of the next Generall Assembly which shall first happen.

p. 120

An Act for Repeale of certain lawes and alsoe for ascertaining what Lawes are in force within this Province.

The Burgesses & Delegates of this present Generall Assembly takeing into their most Serious consideracōn the many great mischiefes Errors & inconveniencyes which haue and may happen to many the good people of this Province by the many Errors that are Comitted in the severall Courts & by the severall

people within this Province in not knowing what Lawes are in force & unrepealed & by the multiplicity of Lawes to one and the same thing which many tymes interferr one with another & yett Judgment is given uppon the same many tymes contrary to the true intent of the said Lawes And whereas itt is found by Experience that many of the Lawes in the body of the Lawes as well perpetuall as temporall are become vselesse or Repealed in other private Acts not Sufficiently taken notice of & serve to noe other purpose but to swell the Lawes to a great volumne, & others are found not fitt to be Revived Therefore to prevent the like inconveniency for the future & to ascertaine what Lawes are att the Expiracōn of this present Sessions of Assembly in full force to be observed & Judged by They humbly pray that itt may be Enacted And bee itt Enacted by the Right Hon^ble^ the Lord Proprietary by & with the advice & Consent of the Upper & lower houses of this present Generall Assembly & the Authority thereof That these Lawes following Entituled as in the Schedule hereunder written viz^t^ Liber W H & L

An Act made Anno 1640 touching Servants Cloathes

An Act made Anno 1647 touching Court dayes

An Act made Anno dcō for the Extent of Attachments & Execucōns A^o^ 47

An Act touching payment of debts Anno 47

An Act against fugitiues made Anno 1649

An Act for support of the Lord Propry A^o^ 49

An Act Concerning the Secretary & Sherriffes fees made A^o^ 1650

An Act for fees to the sherriffe A^o^ 50

An Act prohibitting any Indians to come into Kent or Ann Arundell Counties without notice given A^o^ 50

An Act Concerning the Secry & Clerkes fees A^o^ 50

An Act for the Surveyor Gen^lls^ fees A^o^ 50

Alsoe An Act for the muster master Gen^lls^ fees An^o^ 50

An Act Concerning the gage of Tobacco hhds made An^o^ 1658

An Act for the killing of wolves An^o^ 58

An Act prohibitting ground leaves & seconds An^o^ 58

An Act for the aduancement of Childrens Estates An^o^ 58

An Act for millitary discipline made Anno 1661

An Explanacōn of that Clause of an act made by Cap^n^ W^m^ Stone the 29^th^ Aprill An^o^ 50 Concerning the Secry & sher fees An^o^ 61

An Act Concerning those servants that haue bastards Anno 1662

An Act for the Publicacōn of Marryages An^o^ 62 p. 121

An Enterpretacōn or Explanacōn of that Act lymitting Servants tymes made the last Assembly An^o^ 1661–62

Liber W H & L

An Explanacon of that Clause in an act made by Capn Wm Stone Apll 21th 1649 touching hoggs and Marking of Cattle.

An Act Concerning payment for bullion brought in this Prouince Anº 62

An Act for Encouragmt of Sowing English graine Anº 62

An Act concerning the payment of fees due from Criminall persons Anº 62

An Act for the Reviveing certain lawes within this Province Anno 62

An Act for encouragement of Ordinary keepers Anº 62

An Act declareing what shall be done by the Sherriffe Ex-officio Anº 62

An Act Concerning payment of debts due by bill Anº 1662

An Act Concerning taxable persons Anº 1662

An Act imposeing a fee on them who shall be marryed Anº 62

An Act appointing Sherriffes Anº 62

An Act touching Runnawayes Anº 62

An Act of gratitude for the Leivt Generall Anº 62

An Act Lymitting Servants tymes Anº 62

An Act Concerning the Secry & an addicōn to his fees Anº 62

An Addicōnall Act against hogstealers Anº 62

An Act for the Burgesses Expences Anº 62

An Act for the quieting possessions of lands & Establishing the manner of Conveyances for land for the future made Anno 1664

An Act concerning English servants that Runnaway in Company of Negroes or other Slaues Anº 64

An Act for a Prison att St Maryes Anº 64.

An Act for Erecting a pillory Stocks & Ducking Stoole in every County of this Prouince Anº 64

An Act for the Continuance of an Act Entituled an Act of gratitude for the Leivt Generall Anº 64

An Act for prouideing Irons in each County for burning malefactors Anº 64.

An Act for Repeale of the Second Branch of an act made att St Johns the 4th of March 1657 by Thomas Green Esqr Gouernour Entituled An Act touching payment of Debts Anº 64

An Act enjoyning Sherriffes to take bayle Anº 64

An Act to give Smiths Execucōn for their debts Anº 64

An Act for the preservacōn of Orphans Estates Anº 64

p. 122 An Act against Exportacōn of wool & old Iron Anº 64

An Act for Repeale of a Clause in an act made the 23th day of October 1640 by Leonard Calvert Esqr Leivt Generall of this Province Entituled an Act for Servants Cloathes Anº 64

An Act for the Administracõn of Justice Anº 64 Liber W H & L

An Act for the Leavying the surveyor Generalls fees Anº 64

An Act for the Rule of Arrest & summons for wittnesses by all sherriffes & a Rule for Entring accõns & fileing accõns & Peticõns Anº 64

An Act for proceedings att Law Anº 64

An Act for appointing a Publick Notary Anº 64

An Act for Seating of land in Baltemore County Anº 64

An Act prohibitting tradeing and gameing with servants Anº 64

An Act for land five yeares in possession Anº 64

An Act provideing what shall be good Evidence uppon bills bonds & Specialtyes comeing out of England & other parts Anº 64

An Act Concerning proceedings att Law Anº 64

An Act Concerning payment of Debts due by Bill Anº 64

An Act for the Burgesses Expences & other Publick debts Anº 64

An Act for Ferryes Anº 64

An Act for provideing a Magazine Anº 64

An Additionall Act to an Act Entituled Act concerning the payment of fees due from Criminall persons Anº 64

An Act for the Reviveing of Certain lawes within this Province Anº 64

An Act of Encouragement for Wm Smith in his vndertakeing the Countryes worke at St Maryes Anº 64

An Act for the preservation of Certain Articles made with the Susquahannough Indians Anº 64

An Act for the Burgesses Expences Anº 64

An Act for Recording the Journall of the lower house made Anno 1666

An Act for marking high wayes & makeing the heads of Rivers Creekes and Branches & swamps passable for horse and foote 66.

An Act concerning outlawries Anº 66

An Act Explaining the Act Entituled An Act for the muster master Genlls fees Anº 66

An Act prohibitting forreigne Ingrossers Anº 66

An Act for the Clerkes fees & allowance of Iurors in civill causes Anº 66

An Act for the Repeale of an Act of Encouragement to Wm Smith in his vndertakeing the worke att St Maries 66.

An Act for building a prison att St Maries Anº 66.

An Act against Hogg stealers Anº 66.

An Act for Repeale of part of a Branch of An Act Entituled An Addicõn to the Secrys fees Anº 66 p. 123

An Act touching payment of Debts Anº 1667

Liber W H & L

An Act for the Encouragement of trade Anº 67

An Act provideing against Runnawayes & such as shall Entertain them Anº 67

An Act giveing passes to those persons that are to Depart this Province Anº 67

An Act lymitting servants times Anº 67

An Addicōnall act to the Law Entituled An Act for the Publicacōn of Marryages Anº 67

An Act Limitting Ordinary keepers Anº 67

An Act provideing for the payment of the 25^{l} tob ꝑ poll in the cessation yeare to the Leiv^{t} Gen^{ll} Anº 67

An Act for the Reviveing of Certain lawes within this Province Anº 67

An Act for the Burgesses Expences & other Publick debts Anº 67

An Act Lymitting Ordinary keepers made Anno 1669

An Act for Reviveing certain Lawes within this Province Anº 69.

An Act of gratitude to the Leivtenant Generall Charles Calvert Esq^{r} Anno 69

An Act to avoyd double payment of debts Anº 69

An Act for marking high wayes & makeing the heads of Rivers Creekes branches & swamps passable for horse and foote Anno 69

An Act for payment of money Debts in Tobacco Anº 69

An Act for the Releife of Prisoners taken in Execucōn Anº 69

An Act appointing Court dayes in each respective County within this Province Anº 69

An Act provideing against sherriffes takeing Excessive fees Anº 69

An Act for preventing Servants & Criminall persons from Running out of this Province Anº 69

An Act for the Reviveing & amendment of an act Entituled an Addicōnall Act Concerning the payment of fees due from Criminall persons Anº 69

An Act for the payment of the Publick Charge of this Province Anº 69

An Act for the aduancement of Forreigne Coynes Anno 1671

An Act touching Coopers Anº 71

An Act for Stay of Execucōns after Aprill Court Anº 71

An Act for Reviveing Certain lawes within this Province Anº 71

An Act for the Coroners fees Anº 71

An Explanacōn of two clauses in an act Entituled an act for the Clerkes fees & allowance for Iurors in civill causes with

an addicōn of a fee to the Seale of each Respective County An° 71 Liber W H & L

An Act for the Setling the rates & prices in money of all wines liquors & other Comodities Sold by Retayle within this Province An° 71

An Act against Runnawayes & all such persons as shall give them entertainment & others that shall travaile without passes An° 71 p. 124

An Act for the Encouragement of the sowing & makeing of hemp & flax Anō 71

An Act for the payment of the Publick Charge of this Prouince An° 71

An Act for the enrollment of Conveyances & Securing the Estates of Purchasers An° 71

An Act Limitting servants tymes An° 71

An Act for the Reviveing of Certain Lawes within this Province An° 71

An Act for the payment of the Publick Charge of this Province An° 71

An Act Concerning Ordinary keepers made An° 1674

An Act for the Repeale of Certain Lawes An° 74

An Act for mending the wayes out of Charles County to the Citty of S^t^ Maryes An° 74

An Act for to Reforme atturneys Chancellors & Solicitors at Law of this Province to avoid unnecessary Charges in suites att Law An° 74

An Act appointing Sherriffes to take bayle An° 74

An Act Concerning taxable persons An° 74

An Act for payment & assessing the Publick Charge of this Province An° 74

An Act for the Rayseing a present supply for his Excellency the Cap^n^ Generall to defray the Charges of makeing peace with the Seneca Indians & makeing warr with the Susquehannoh Indians & their Confederates if occasion Requires An° 74

An Act impowering the Gouernour & Councell to Leavy the Charge for makeing warr or peace with the Indians An° 74

An Act for Reviveing Certain lawes within this Province An° 74

An Act for Regulacōn of Attorneys fees An° 74

An Act for payment & Assessing the Publick Charge of this Prouince An° 74

Bee by this present Act of Generall Assembly absolutely Repealed & for ever after to be void & of none Effect And Bee itt further Enacted by the Authority advice and Consent aforesaid (att the humble Request of his Lordpps lower house of Assembly) That these Lawes following Entituled as in the Schedule hereunder written Viz^t^

Liber W H & L

An Act for Church Liberties made Anno 1640

An Act for vncertain goods An^{o} 1640

An Act for provideing against Suddaine accidents in the Gouernment An^{o} 40

An Act touching Iudicature An^{o} 1646

An Act touching Pagans An^{o} 1647

An Act Concerning Religion An^{o} 1649 & 50

An Act of Recognicōn of the Lawfull & Vndoubted Right & title of the Right Hon^{ble} Cæcilius Lord Baron of Baltemore Absolute Lord & Proprietary of the Prouince of Maryland unto the said Prouince & vnto all Islands ports and Creekes to the same belonging 49 & 50

An Act Concerning the Purchaseing of land from the Indians An^{o} 49 & 50

An Act of oblivion An^{o} 49 & 50

p. 125 An Act for the Punishment of Certain offences against the peace & safety of the Prouince An^{o} 49 & 50

An Act for the punishment of such as shall Counterfeitt the Lord Proprietary or his heires Lords and Proprietaryes of this Province great Seale of this Prouince An^{o} 49 & 50

An Act against rayseing of money within this Province without Consent of the Assembly An^{o} 49 & 50

An Act Concerning the Leavying of warr within this Province Anō 49 & 50

An Act prohibitting the transportacōn or Sale of his Lordshipps Ordinance Amunicōn Goods Chattles &c. 49 & 50

An Act for the Speedy payment of debts due to the Lord Prop^{ry} An^{o} 49 & 50

An Act for the planting of Corne An^{o} 49: 50

An Act touching Indians 49–50

An Act for takeing an oath of fidelity to the Lord Prop^{ry} 49–50

The Oath of fidelity to the Lord Prop^{ry} of this Prouince 49–50

An Act Concerning accomptants to the Lord Proprietary 49–50

An Act Concerning trade with the Indians 49–50

An Act touching hoggs & marking Cattle 49–50

An Act for punishment of Certain offences as swearing Curseing Adultery &c. An^{o} 1650

An Act for punishment of some other offences An^{o} 50

An Act prohibitting all Complyance with Cap^{n} William Cleyborne in opposition of his Lordships Right & Dominion over this Province An^{o} 50

An Act Concerning deserted plantacōns An^{o} 50

An Act for the Erecting of Province into a County by the name of Ann Arundell County—50

Acts made att a Generall Assembly held att S^{t} Leonards the 27th of Aprill 1658 by Cap^{n} Josias Fendall Esq^{r} Gouernour Liber W H & L

An Act for the Encouragement of such Souldiers as shall adventure in the defence of the Countrey Anno 1661

An Act Concerning the setting upp of a mint An^{o} 61

An Act for the Repeale of the Act for Customes An^{o} 61

An Act for Port dutyes & masters of Shipps An^{o} 61

An Act for the Purchaseing a State house & Prison An^{o} 62

An Act imposeing a penalty on all Such who shall dispose of Tobacco seized & Received p the Sherriffe & Others An^{o} 1664

An Act for the Repeale of an act made Anno 1661 Entituled An Act Concerning killing wild Cattle An^{o} 64.

An Act for the preservac$\bar{o}$n of the Severall Harbours within this Province An^{o} 64

An Act Concerning Negroes & other Slaues An^{o} 64

An Act for appointing Coroners in each respective County An^{o} 1666

An Act for Confirmac$\bar{o}$n of the Articles of Peace made with the Indians An^{o} 66

An Act for the Explanac$\bar{o}$n of that clause in an Act made by Cap^{n} W^{m} Stone Aprill the 21th Aprill 1649 touching Hogs & markeing Cattle An^{o} 64

An Act Empowering the Gouernour & Councell to make warr or peace with any Indian Enemy beyond the bounds of this Province An^{o} 1666 p. 126

An Act prohibitting Comissioners Sherriffes & Clerkes to plead as attorneys in their Respective County Courts An^{o} 66

An Act prohibitting the office of Sherriffe & Clerke to be officiated att one & the same tyme by one & the same person An^{o} 66

An Act for the Naturalizac$\bar{o}$n of John Jarbo & others An^{o}—66

An Act for the Naturalizac$\bar{o}$n of James Neale &^{ca} An^{o} 66

An Act for the Publicac$\bar{o}$n of all lawes within this Province for the future An^{o} 66

An Act for the Continuance of peace with and Protecc$\bar{o}$n of our Neighbours & Confederate Indians in Choptank River An^{o} 1669

An Act for the Naturalizac$\bar{o}$n of Garrett Vansweringen & others An^{o} 69

An Act for Recording the Journall of the lower house An^{o} 69

An Act for Encouragement of such persons as will vndertake to build watermills An^{o} 69

An Act for the Naturalizac$\bar{o}$n of Bernard Johnson & others An^{o} 71

An Act for the encouragement the Importac$\bar{o}$n of Negroes & slaues into this Province An^{o} 71

Liber W H & L

An Act Empowering the Comissioners of the County Courts to Leavy and raise Tobacco towards defraying the necessary Charges of their Countyes Anº 71

An Act for the makeing voyd all fraudulent practices tending to the defrauding of reall purchasers & Creditors Anº 71

An Act for quieting possessions Anº 71

An Act for the Naturalizacōn of Dyniosa & others Anº 71

An Act for the rayseing & provideing a Support for his Lordship the Lord and Proprietary of this Prouince dureing his natureall life & likewise a Supply towards the defraying the Publick Charge of the Government Anº 71

An Act prohibitting all sherriffes Sub sherriffes or Depty sherriffs all Clerkes sub Clerkes or Depty Clerkes to plead as attorney in any Court or Courts within this Province wherein he or they shall bear such office Anº 71

An Act for the killing of wolves Anº 71

An Act for the preservacōn of Orphans Estates Anº 71

An Act for the naturalizacōn of Mathias DeCosta Anº 71

An Act for the naturalizacōn of Hans Hanson & others Anº 71

An Act of gratitude to his Excy Charles Calvert Esqr Capn Genll of Maryland Anno 1674

An Act for the Enrollment of Conveyances & secureing the Estates of Purchasers Anº 74

An Act appointing Court dayes in each Respective County within this Province Anº 74

An Act declareing what shall be done by the Sherriffe Ex Officio Anº 74

An Act for Erecting a Court house & Prison in each County within this Province Anº 74

An Act for the Naturalizacōn of John Johnson & Henry Greene Aº 74

An Act for John Long of London Marchant Anº 74

p. 127 An Act for the building of a Statehouse & Prison att St Maryes Anº 74

An Act for the Naturalizacōn of Jacob Duhattoway & others Anº 74

Bee hereby & by this present Act of Generall Assembly are Ratifyed and Confirmed to stand in full force and vertue till his Lordshipp by and with the advice & Consent of the Upper and lower houses of this or any future Assemblyes shall think fitt to alter amend revoke or Repeale the same or any one or more of them.

And Bee itt Enacted by the Authority aforesaid that every County Clerke within this Province shall att or before the first day of January next transcribe & fairely write out in a booke for that Purpose to be kept all the Lawes which att the end of

this present Sessions of Assembly are or shall be in force without askeing demanding or Receiveing any fee or gratuity for the same vnder the forfeiture of fiue thousand pounds of Tobacco to the Right Hon^ble^ the Lord Prop^ry^ Liber W H & L

An Act for payment & Assessing the Publick Charges of this Province

Whereas there hath been two hundred Nynty Three thousand three hundred & two pounds of Tobacco Expended laid out and disburst by the upper & Lower houses of this present Generall Assembly & by severall other the good people of this Prouince for the Publick good of the same And to the Intent that the same may be satisfyed and paid to those persons to whome the same is due Bee itt therefore Enacted by the Right Hon^ble^ the Lord Proprietary by and with the aduice and Consent of the upper & lower houses of this present Generall Assembly & the Authority of the same That the said two hundred Nynty Three thousand three hundred & three pounds of Tobacco be paid in manner & forme as is hereafter Expressed (that is to say)

	lb tob.	
To Cap^n^ John Quigley	3000	
To Charles Gregory	0800	
To Mathias Woods Drummer	1900	
To W^m^ Cheshiere	1500	
To Henry Spinke	0200	
To Randall Hanson	0600	
To Marmaduke Semme	0200	
To Roger Tolle	0470	
To Iustinian Gerard	0300	
To W^m^ West	0150	
To W^m^ Watts	0200	
To John Little, Robert Dowell, John Hepworth, Daniell Venton } each	0050	
Samuell Dobson	0200	
Peter Fernando	2000	
Cap^n^ John Wheeler	2000	
Vincent Mansfield	1050	
Morgan Jones	0100	
To Robert Green	1500	p. 128
John Stevens, Roger Tolle, David Holt, Braxton Frewyn }	0060	

Liber W H & L	To the Hon^ble^ The Chancellor	0060
	Francis Hilborne	2000
	Marke Cordea	1650
	Edward Turner	1055
	M^r^ John Coode	1375
	Frances Hyde widow	0600
	Stephen Murty	2035
	Clement Hill	1440
	Elizabeth Delaroche for Publick Expences	17932
	W^m^ Hargraue	0280
	W^m^ Newport	0300
	Garrett Vsweringen for Publick Expences	57745
	John Baker for Publick Expences	20825
	Major W^m^ Boreman	06195
	John Lewellin	3000
	To Thomas Wynn	1200
	Richard Sweatnam	0882
	To Robert Ridgely Clke of the lower house of Assembly	4000
	Cap^n^ Richard Hill	0200
	W^m^ Meares	0200
	John Solers	0200
	Richard Salwey	0260
	Timo: Sewall	0250
	John Homewood	0600
	Ralfe Duncalfe	0450
	Richard Boughton Clerke of Assembly	4000
	Ditto	0600
	W^m^ Calcutt	0400
	Tho: Taylor Esq^r^	0350
	Henry Peirpoint	0800
	Co^ll^ Samuell Chew	0400
	Ditto	0870
	Richard Boughton	1200
	W^m^ Cox Doorekeeper of the Lower house	1600
	Tho: Bankes of Calvert County	0150
p. 129	To Robert Stanly	00200
	Abraham Clarke	00100
	Patrick Allen	00200
	W^m^ Kent	00160
	Edward Perdieu	00250
	Jn^o^ Halfehead	00570
	Richard Marsham	00890
	John Chittham	00150
	Richard Johns	00300
	John Throster	00500
	Peter Archer	01400
	Symon Watton	01150

Robert Dove	00150	Liber W H & L
Thomas Blanford	00200	
John Leach	00200	
John Burroughes	00900	
Richard Brightwell	00600	
John Benson	00060	
Roger Polly	00200	
Ninian Beale	02850	
Wm Haile	03000	
John Griggs for Richard Keenes Estate	02670	
Henry Exon	00280	
Robert Ellys	02359	
John Wiseman	00236	
To Joseph Edloe	00570	
Charles Boteler Clerke of a Comittee	03000	
John Lamair	04800	
James Cox	02000	
Thomas Pope	00400	
Capn Robert Henley	00250	
Mathew Hill	00250	
Peter Carr	00350	
James Tyre	00875	
John Morris	0600	
Alice Walker	0350	
John Cage	0350	
Robert Rowland	0350	
John Fairesone	0250	
To Humphrey Warren	0525	p. 130
Johanna Jones	0350	
Anne Cawood	1500	
Henry Neale	1000	
Hugh French	1330	
Thomas Clipsham	2000	
Daniell Smith	3000	
Wm Barton	0300	
John Douglas	0150	
John Baily	0060	
John Hatch	0200	
Francis Hope	0200	
Major John Douglas	10520	
Capn John Allen	1900	
Robert Ridgely for Publick Expences	58756	
Henry Adams	0950	
Henry Hawkins	1550	
John Hartwell	0895	
Phillip Lynes	2907	
James Smallwood	5050	

Liber W H & L

Joseph Horton	1200
Thomas Casey	1650
Tho: King	1100
Cap^{n} James Neale	0800
Archibold Waghop	1110
Co^{ll} Jesse Wharton	6000
W^{m} Deane	0150
James Smallwood	0150
Cap^{n} Barton	1200
To Thomas Hussey	2520
Roger Bowder	150
James Port	300
Thom: Walker sherriffe of Som^{r}sett County	1600
James Jones	4000
Chr: Mitter	1000
W^{m} Coleborne	0975
Peter Sayer	0480

And bee itt further Enacted by th aduice Consent & Authority aforesaid That over & above the aforesaid sume of 293302 before by this Act disposed of There be alsoe Leavyed & assessed These Sumes of Tobacco following & paid to the persons mencōned that is to say

To Robert Ridgely for further accomodacōn of the members of Assembly	5137
Garrett vansweringen for the same	4380
Eliz^{a} Delaroche for the same	1277
John Baker for the same	3035
And to the severall Sherriffes in this Prouince for their Sallary for Collecting the aforesaid summes of Tobacco	lbs 30713

And Bee itt further Enacted by the aduice Consent & Authority aforesaid That the aforesaid sumes of Tobacco amounting in the whole to the sume of Three hundred thirty seven thousand Eight hundred forty four pounds of Tobacco be Leavyed & assessed by the Right Hon^{ble} the Lord Proprietary or his Leivten^{t} Generall or Cheife Gouernour for the tyme being & Councell according to an act of assembly passed this Sessions of Assembly Entituled An Act provideing for the security & defence of this Province & not otherwise by an equall assessment upon the persons & Estates of the Inhabitants of this Prouince and paid to the severall persons to whom the same is due as aforesaid any Law Statute Custome or usage to the Contrary hereof in any wise Notwithstanding.

And Bee itt further Enacted by the aduice Consent & Authority aforesaid That the Itinerant Charges of the Burgesses & Delegates of the Lower house of this present Gen^{ll} Assembly as alsoe the Itinerant Charges of such Delegates as

shall come to lay the Leavy shall be defrayed and paid by their respectiue Counties for which they are Delegates And the Charges & Expences of all the said Delegates while they are att S^{t} Maryes about the Countryes businesse shall be borne & defrayed by the Publick And alsoe that reasonable allowance be made to the members of the upper house of assembly that dwell remote from S^{t} Maryes for their victuall or Itinerant Charges in Comeing & goeing to lay & assesse the next Leavy And alsoe their Charges while they are att S^{t} Maryes doeing the same shall be paid and defrayed by the Publick any Law Statute Custome or vsage to the Contrary hereof in any wise notwithstanding. Liber W H & L

His Lord$\overline{\text{pp}}$ willeth these to be Lawes
Ch: Baltemore.

An Act for Reviving of certain Lawes within this Province.

W. H. p. 1

Forasmuch as many good and wholesome Lawes have been formerly made within this Province; which being Temporary, will of themselves expire, if not Revived and Continued by this present generall Assembly. Bee it therefore Enacted by the Right hono^{ble} the Lord Prop^{ry}. by and with the advise and consent of the Upper and Lower Houses of this present gen^{ll} Assembly, and the authority of the same, that one Act made at a generall Assembly begun the 27th day of Aprill 1658 Entituled An act concerning a Register of Births, Marriages and Burialls. One other Act made at an Assembly held at S^{t} Iohns the 17th day of Aprill, Anno 1661, Entituled An Act for the appointing of certain Officers (except the Last Clause touching Sherrifes) which is not to be Revived. One other Act made at the same Assembly Entituled, An Act concerning the height of Fences. One other Act made at the same Assembly Entituled, An Act for conveyance of all Letters concerning the state and Publick Affairs: One other Act made at an Assembly begun and held at S^{t} Marys the first Day of Aprill, Anno 1662, Entituled An Act concerning Proceedings at Law: One other Act made at the same Assembly, Entituled An Act concerning Jndians: One other Act made at an Assembly begun and held at S^{t} Marys the 15th day of September Anno 1663. Entituled An Act Prohibiting Arrests on the Sabboth dayes, and dayes of general muster and training: One other Act made at the same Assembly Entituled An Act for Amercements in the Provinciall and County Courts: One other Act made at the same Assembly, Entituled An Act Prohibiteing trade with the Jndians for any flesh dead or alive except Diere and wilde ffowle: One other Act made at an Assembly begun and held p. 2

Liber W. H. at S^{t} Marys the 13th day of Aprill, Anno 1669, Entituled An Act for Limitacõn of Actions to avoid suites at Law: One other Act made at the same Assembly, Entituled An Act for the provideing sufficient fraught & carriage for the proper goods and commodities of his Lord^{pp} the Lord and Prop^{ty} of this Province and of the Governo^{r} of this Province for the time being: One other Act made at the same Assembly, Entituled An Act Limiteing the extent of Attachments and Executions and Provideing what shall be Leavied upon Attachments and Executions: One other Act made at the same Assembly Entituled An Act Provideing what shall be good Evidence to Prove forraign Debts: One other Act made at an Assembly begun and held at S^{t} Marys the 27th day of March 1671 Entituled, An Act against Divulgers of false Newes: One other Act made
p. 3 at the same Assembly, Entituled An Act against Hogstealers: One other Act made at the same Assembly, Entituled An Act for provideing a Standard with English weights and measures in the severall and respective Counties within this Province: One other Act made at the same Assembly, Entituled An Act Prohibiting the importacõn of all horses, geldings, mares or Colts into this Province: One other Act made at an Assembly begun and held at S^{t} Marys the Tenth day of October Anno 1671, Entituled An Act for Explancõn of one Clause in an Act Prohibiteing the importacõn of all Horses, mares, geldings and Colts into this Province; with an Addition & amendment therein: One other Act made at the same Assembly, Entituled An Act for marking high-wayes, and makeing the heads of Rivers, Creeks, Branches and Swamps passable for horse and foot: One other Act made at the same Assembly, Entituled An Act for stay of Executions after Aprill Court: One other Act made at an Assembly begun and held at the City of S^{t} Marys, the 19th day of May Anno 1674 Entituled An Act concerning the impannelling the grand Inquest in the severall Counties within this Province: One other Act made at the same Assembly, Entituled An Act for the Surveyo^{r}-generall's fees, with Addition of fees upon Resurveys, and for Leavying the same: One other Act made at the same Assembly, Entituled An Act for Payment of fees due from Criminall Persons: One other Act made at the same Assembly, Entituled An Act for Limiting of actions against the Surveyo^{r} gen^{ll}: One other Act made at the same Assembly, Entituled An Act concerning those Servants that have Bastards. One
p. 4 other Act made at the same Assembly, Entituled An Act ag^{t} Burners of ffences: One other Act made at the same Assembly, Entituled An Act ag^{t} the Profaneing of the Sabboth day: One other Act made at the same Assembly, Entituled An Act Prohibiting all masters of ships or vessells or any other persons

from Transporting or conveying away any Person or Persons out of this Province w^th^out Passes: One other Act made at an Assembly begun and held at the City of S^t^ Marys the 12^th^ day of februarie Anno 1674, Entituled An Act concerning what shall be allowed to the grand Jury that are sum̄oned twice a year out off the body of the Province to attend Prov^all^ Courts. The same Acts and every of them be and are hereby Revived and Confirmed to stand in full force and vertue for and dureing the terme of three yeares, or to the end of the next Session of Assembly which shall first happen. Liber W. H.

An Act Provideing for the Security and Defence of this Province. p. 35

The Burgesses and Delegates of this present gen^ll^ Assembly, takeing into their serious consideracō̄n, the many murthers, Injuries, and Violences, com̄itted and done, upon the Persons, and Estates of many the Inhabitants, and good People of this p. 36 Province, by the Indians: and the great danger the Province, and the Inhabitants thereof are exposed to, by the frequent incursions and invasions of the common Enemy, the Indians: and to the intent, that some speedy Course may be taken, for the safety and defence of this Province, and the Inhabitants thereof, against the said Indians: And forasmuch as the Exerciseing, & Training up of Souldiers, in the Art of Warre, and Militare Discipline, is (at all times) most necessary, to put, & keep us in a good posture of defence ag^t^ our Enemies; and yet, at this time of danger, very much neglected; to the endangering of the whole Province: And for the settleing & ascertaining the charge of any warre that may happen, within this Province; They humbly Pray, that it may be Enacted: and Be it Enacted, by the Lord Prop^ry^ of this Province; by, and with the advise & consent of the Upper & Lower houses of this p^r^sent gen^ll^ Assembly, & the authority of the same; That every Colonell, Captain, or Major, within this Province; already Comissionated, or hereafter to be Com̄issionated, by his Lord^pp^, or his heires, or Successo^rs^, Lord and Prop^rys^ of this Province; or his, or their Lieuten^t^, or Chief Governo^r^ of this Province, for the time being; shall have power to Enlist such, and so many persons, inhabiteing within this Province, in their severall, & respective Divisions, Between Sixteen, and Sixty yeares of age, as they shall think fitt to be of the militia, or Trained Bands of this Province. Which Persons so Enlisted, they shall muster, Exercise, and Train-up, at such certain Places, and at such certain times, and as often, as to them shall seem meet; or the Service, safety, and defence of the Province shall require: p. 37 or his Lord^pp^, the Lord Prop^ry^ of this Province, his heires or

Liber W. H. Successors; or his or their Lt genll, or Chief Governor; or Councell for the time being, shall see cause to ordr: And every person so enlisted into the sd militia, or trained Bands: or that shall (upon due Sumons to him, or them given: or left at his, or their house, or Place of abode, by any officer of the trained Bands) neglect, or refuse to be enlisted into such militia, or trained Bands; to meet at the time and place appointed, by their severall and respective officers, as aforesd; there to be mustered, trained and exercised in the art of warre: & shall not bring with him, one good, servicable, fixed gunn, according to his Sumons, shall, for every such offence, forfeit & pay the sume of 50 Pds of Tobaccoe to the Rt hble the Lord Propry, to be disposed of at his Lordps pleasure. And in case it shall (at any time hereafter) happen, that his Lordpp the Lord Propry his heires or successors: or his, or their Lt genll: or Governor and Councell for the time being, shall think fitt to raise any warre; or Leavy any men, within this Province, for the opposeing and suppressing of any Invasion of any enemy: or against any domestick Insurrection, or Rebellion within this Province: or agt any Indians: or for the defence of this Province, They doe further, humbly Pray that it may be Enacted, and

Be it Enacted, by the authority aforesd, That all Charges of such warre, shall be defrayed by this Province, by an equall assessmt upon the Persons and Estates of the inhabitants thereof; to be raised and Leavyed by his Lordpp the Lord Propry of this Province; his heires & successors; or his, and their Councell, dureing his Lordpp, his heires and Successors stay in this Province: and, in his absence; by his, or their Lt genll, and chief
p. 38 Governor and Councell for the time being: Provided, that at the laying of any Leavyes, for the defraying of the charge of such warre, his Lordpp his heires, or successors; or his or their chief governor; or Councell for the time being, doe call to their assistance, one of the Delegates of each respective County within this Province; and one of the Burgesses of the City of St Marys, to see tht the tobaccoe so to be raised, be employed for defraying the necessary charge of the Province; and to no other use. And Provided the Pay for Officers & Souldiers be no more than is hereafter mencōned; and no longer time than such Officers and Souldiers, shall be in actuall service, To witt, for every Colonell, or chief Comander of the field, 2000lb of Tobac. p moneth; if the fforces sent out, under his comānd, exceed the number of an hundred men.

To a Major, 1200lb of Tobac. p month.

To a Captain, 1000lb of Tobac. p month.

To a Lievtent 700lb of Tobac. p month.

To an Ensign 600lb of Tobac p month.

To a Serjeant 400lb of Tobac. p month. Liber W. H.
To a Corporall 400lb of Tob. p month and
To every private Souldier 300lb of Tob. p month and
To every Trooper 600lb of Tobac. p month.

And these Rates and Allowances for such Officers and Souldiers, shall be allowed and payd: and no more.

And for the encouragement of such souldiers as shall adventure their Lives, in the service, and for the defence of this Province: and for a Provision of some reasonable Pension, to be (for the future) settled on such souldiers as shall happen to be Maimed, and rendered unable to get a Livelyhood for themselves, or family: and for those that shall be slain in p. 39 the service of this Province. Be it Enacted, by the authority aforesd, That every Person that shall adventure, as a Souldier, in any warre, in the defence of the Province, and shall (therein) happen to be maimed, or receive hurt, so as thereby he be rendered uncapable of getting a Livelyhood, as aforesd, shall, according to his disability, Receive a yearly Pension; to be Raised out off the Publick Leavy of this Province, for the time of such his disability. And every person slain in the service of this Province, and Leaveing, behinde him, wife and Children; such wife & children shall also be allowed a competent Pension: the Wife, dureing her widdow-hood: and the Children, till they be of years able to get their Liveing; or be put out Apprentices: And that this Pension shall be (yearly) Rated & allowed out off the publick Leavy, as aforesd; by, & according to the discretion of his Lordpp, the Rt honble, the Lord Propr, or his Lt genll or chief Governor, and Councell for the time being; the Party Petitioning for such Pension and allowance, procureing a Certificate from the Comrs of the County Court where, he, she, or they Live; that he, she, or they are objects of Charity, and deserve to have such Pension & Allowance. Provided that this Act, nor any thing therein contained, shall not Repeale, or be construed to repeale the perpetuall Law of this Province, Entituled, An Act for Encouragemt of such as shall adventure in the Countrey's service. Provided alsoe, That this Act, nor any thing therein contained, shall be construed, or meant to prevent the Rt hoble the Lord Propr, his heires and and Successors from paying for Armes and Amunition, and other publick Charge of this Province, so farre forth as the moyety of 2 shillings p hhd extends; according to An Act of Assembly Entituled, An Act of Gratitude to his Excellency Charles Calvert Esqr, Capt genll of Maryland, made at an As- p. 40 sembly held at the City of St Marys the 13th day of Aprill, Ao 1674. Provided alwayes, That all such Troopers shall Ride their own horses: and that no person shall be a Trooper, without he be owner of a good, serviceable horse: and that such

Liber W. H. Troopers, in consideracon of their great pay, by this Act allowed, all such times as they are comanded out a rangeing, shall finde their own provision: But when the said Troopers are with the foot; then to be found Provision at the Charge of this Province; to be Payd out off the Publick. And if it shall so happen, that any Trooper's horse be killed in the service, then the s^d^ Trooper to be paid, for such Horse, out off the Publick; but if in case any Trooper shall loose his horse; for such horse so lost, the s^d^ Trooper shall not be allowed the price of the s^d^ horse out off the Publick.

And Be it further Enacted by the authority afores^d^, That upon any Warre with the Indians, which may hereafter chance to break out, (which God forbid): the L^t^ gen^ll^, or cheife Governo^r^ of this Province, for the time being, shall appoint 2 honest & sufficient men, upon any occasion, to impress provisions in every hundred, in every County within this Province, to impress all manner of Provisions and other necessaries, sufficient to supply any party to be sent out ag^t^ any Enemy or Enemies whatsoever: and that the severall & respective Sherrifes of the severall Counties of this Province, be aiding & assisting to the s^d^ persons from time to time to be appointed in every hundred, for the impressing Provisions as aforesaid. This Act to endure for 3 years, or to end of the next Sessions of Assembly w^ch^ shall first happen.

p. 42 An Act concerning Ordinary Keepers.

p. 43 Forasmuch as it is found by experience that noe certain Rate can be set upon Liquors sold by Ordinary keepers by Retaile, because no certain rate can be set upon Merchant's goods from whom the Ordinary keepers must purchase their Liquors, Be it Enacted by the R^t^ ho^ble^ the Lord Prop^ry^ by and with the Authority of the upper and Lower houses of this p^r^sent generall Assembly and the authority of the same That (from henceforth) every person be left to agree with the Ordinary Keepers for any Liquor or other Accomodacon except Beer, Lodging, Dyett; and horse meat. And Be it further Enacted by the Authority afores^d^ That (from hence forward) no ordinary keeper shall demand above 10^lib^ Tobac p meall for dyett, ffor small Beer 10^lib^ Tobac p gallon ffor strong Beer 20^lib^ Tob p gallon, ffor a nights Lodging in Bed with sheets 4^lib^ Tob, ffor a Peck of Indian, shell'd Corn or Oates, for a horse 12^lib^ of Tob, ffor Pasture for a horse 6^lib^ Tob p night ffor hay or straw for a horse 10^lib^ Tob p night

And to the end that the good people of this Province, attending publick Sessions of gen^ll^ Assemblies; as also Prov^all^ Courts and the severall & respective County Courts within

this Province being thereunto Lawfully called & sum̄oned, may be certain of accom̄odacōns sufficient, for their horses, as well as for themselves Bee it Enacted by the authoritie, advise and consent afores^d^, That every Ordinary-keeper within this Province shall (from, and after the first day of October next after Publicacōn hereof) be obliged to provide, & maintain accom̄odacōn of Oates, Hay, straw for Litter, and Indian Corn: together with stable room convenient and sufficient for 20 horses at the least under Penalty of forfeiting & paying the sum̄e of 10.000^lib^ of Tob: One halfe thereof to the Lord Prop^r^; the other halfe to the informer; or him, or them th^t^ shall sue for the same. To be recovered in any Court of Record w^th^in this Province wherein no Essoyne wager, or protecc̄on in Law to be allowed. Liber W. H. p. 44

And Bee it further Enacted by the authority advise and consent afores^d^ That from and after Publicacōn hereof, noe Ordinary keeper shall Creditt any ffreeman in this Province not being a ffreeholder and depending upon his labour for the paym^t^ of his debts, for any sum̄e of Tobac, exceeding the sum̄e of 400^lib^ of Tob. in any one year, upon pain of Loss of his whole debt, whether due by Bill, Bond, or Acco^t^

And fforasmuch as some strangers travell this Province who have noe Tobac in this Province: and others that are Inhabitants in this Province may spend small sum̄es not amounting to a hhd of Tobac Bee it alsoe Enacted by the authority advise and consent afores^d^, That it shall be at the Liberty of the person or persons entertained by the ordinary keeper, to pay as many Pence in money, for Beer Dyett Lodging Horse meat, as there are Pounds of Tobacco allowed to be demanded by the Ordinary Keeper, for such Beer, Dyett, Lodging or horse meat before in this Act menc̄oned This Act to endure for 3 yeares or to the end of the next gen^ll^ Assembly

An Act ag^t^ the exportacōn of Corn p. 52

Our neighbour Colony being now involved in a warr and by that means rendred incapable of tending their Corn-fields, and the p^r^sent extraordinary drought threatening a famine, and many people attending to their own profitt onely, buying up daily great quantity of Corn, w^th^ intent to export the same by sea out off this Province: by w^ch^ wee shall be rendred unable to assist our neighbo^rs^ in Virginy; to whose preservacōn wee ought (in the first place) to attend: ffor prevention therefore of soe great evills wee doe humbly Pray your Lord^pp^ that it may be Enacted, and Be it Enacted by the R^t^ ho^b^ ^e^ the Lord Prop^ry^, with the advise and consent of the upper and Lower houses of this present gen^ll^ Assembly, and the authority of the same, p. 53

Liber W. H. That, from & after the 20th day of this instant June, no Indian Corn, wheat Pease, Oates, or Barley, be exported or attempted to be exported out off this Province wthout Leave first had & obtained of the Rt hoble the Lord Propry, his heires and successors, or his or their Lieutent or chiefe governor of this Province for the time being, under his or their hands and seales, upon pain and forfeiture of all such Corn so attempted to be transported out off this Province, either by Land, or water; and if by water, of the shipp and vessell or boate, in wch the same shall be attempted to be transported, wth all her apparrell, Tackle and furniture to them belonging the one halfe thereof to be to the Rt hoble the Lord Propry his heires & successors the other halfe to him tht shall informe, seize, or sue for the same, in any Court of record wthin this Province, by accon of debt, bill, plaint, or informacon where in no essoyne protection or wager in Law to be allowed. This Act to endure for one yeare, and no longer.

p. 57

An Act to prevent the unnecessary delaies of Executions.

Forasmuch as his Lordps good people of this Province now more comonly holden from their just debts, and often in danger to lose the same; by means of writts of Error, and Appeales, which are more comonly sued than heretofore they have been ffor prevencon whereof for the future,

Be it Enacted by the Right hoble the Lord Propry by and with advice & consent of the upper and Lower houses of this present genll Assembly, & the authio of the same, That from and after the end of this prsent session of genll Assembly, noe Execution upon any judgemt in any Court of Record in this Province shall be stayd or delayed by any writt of Error, or Appeale from the County Courts of this Province; or any Supersedeas upon any such writts of Error, of appeale, shall be sued out for the reverseing of such Judgement given or to be given in any Court of Record in this Province, upon any accon whatsoever; unlesse such person, or persons, (in whose name or names such writt or Appeale shall be brought and obtained; with sufficient surety or sureties such as the Court (where such Judgement shall be given) shall allow of,) shall (before such stay made by a writt of Error, or Appeale, as aforesaid, or supersedeas awarded) be Bound unto the party for whom any such judgemt is, or shall be given, by Recognizance; (to be acknowledged in the same Court,) in double the sume adjudged to be recovered by the sd former judgemt; to Prosecute the said writt of Error, or Appeale, with effect: and alsoe to

satisfy & pay (if the s^{d} judgem^{t} be affirmed) all & singular the debts, damages & costs adjudged, or to be adjudged upon the former judgem^{t} and all Costs and damages alsoe to be awarded for the same delaying of Execution; unlesse the party so staying the said Judgem^{t} & Execution, doe pay the same, or render his body to prison. Liber W. H.

And whereas the manner of Appeall at the comon Law, is unusuall, and not according to the constitution of the Lawes and practice in England, and yet are found very necessary and convenient for the good of this Province, and have, by the Justices of the Prov^{all} Co^{rt} of this Province, been admitted and allowed to be in the nature of an habeas corpus, to remove a Cause from an inferiour Co^{rt} to a Superiour. Be it Enacted by the authority aforesaid, that any Person Pltife, or Defend^{t} may Appeale from the Judgem^{t} of the County Court, to the Prov^{all} Court, giveing security as afores^{d}; and the s^{d} appeall shall be admitted by the Justices of the Prov^{all} Court as in the nature of an Habeas Corpus, to remove the Cause as afores^{d} And the Party appealant shall procure a Coppy of the proceedings of p. 59 the s^{d} County Court, where such appeale was made, to be transmitted to the Prov^{all} Court, and prosecute his Appeall there, though then next Prov^{all} Court, at his perrill. This Act to endure for three years, or to the end of the next session of gen^{ll} Assembly w^{ch} shall first happen.

An Act for the reliefe of Ann Cawood widdow and her children.

P. R. O. Colonial Entry Book No. 53

Repealed

The Burgesses and Delegates of this present generall Assembly haveing taken into their serious consideration the great poverty and necessity of Ann Cawood widdow the relict of Stephen Cawood lately slaine in the service and defence of this province whose death is the occasion of her and her children's great necessity And to the end that other persons may be the more encouraged to venture their lives for the future for the safety and defence of this Province if occasion be doe pray that itt may bee enacted and be itt enacted by the Right Hono^{ble} the Lord Proprietary by and with the advice and consent of the upper and lower houses of the present Generall Assembly and the Authority of the same That the said Ann Cawood for the maintenance and reliefe of herselfe and children shall be allowed and paid unto her or her Assignes out of the publick leavy fifteene hundred pounds of tobacco p. Annum for three yeares now next ensuing to be paid unto her the said Ann Cawood or her Assignes by the sheriffe of

P. R. O. Colonial Entry Book No. 53

the County where she doth or shall from tyme to tyme dureing the said terme of three yeares reside and dwell.

And be itt further enacted by and with the Authority and consent aforesaid That the sheriffe of the County paying the tobacco in manner and forme as aforesaid shall be reimbursted and paid by the publick and to be allowed the same in the publiq leavy annually dureing the said terme of three yeares.

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